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THE

ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT
OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME XVII.,
BEING VOLUME XII. OF THE APPENDIX.
CONTAINING
RESOLVES, ETC., 1761-1764.

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PASSED 1761-62.

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LEGISLATIVE LIST¹

FOR

1761-62.

HIS EXCELLENCY FRANCIS BERNARD,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.,

ANDREW OLIVER, ESQ.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

Hon. THOMAS HUTCHINSON	}	JAMES BOWDOIN	}
JOHN OSBORNE		THOMAS HANCOCK	
BENJAMIN LYNDE		THOMAS HUBBARD	
SAMUEL DANFORTH		ICHABOD PLAISTEAD	
SAMUEL WATTS		ISRAEL WILLIAMS	
JOHN CHANDLER		HARRISON GRAY	
ANDREW OLIVER		JOHN CHOATE	
ISAAC ROYALL		JAMES RUSSELL	
JOHN ERVING		THOMAS FLUCKER	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	SILVANUS BOURN	}
GEORGE LEONARD		GAMALIEL BRADFORD	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

JOHN HILL, RICHARD CUTT & NATHANIEL SPARHAWK, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc & Nova Scotia ;

WILLIAM BRATTLE, ESQ.

¹ See Legislative Records of the Council, xxiv., 1-5.

For the Province at large:—

BENJAMIN LINCOLN & PETER OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 27, 1761 to April 24, 1762.

MR. JAMES OTIS, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . . Royall Tyler, Esq.,
 John Phillips, Esq.,
 James Otis, Jr., Esq.,
 Thomas Cushing, Esq.
Weymouth, . . Mr. James Humphrey.
Hingham, . . Mr. Joshua Hearsey.
Roxbury, . . Mr. Samuel Heath.
Dorchester, . . Nathaniel Hatch, Esq.
Milton, . . . Andrew Belcher, Esq.
Braintree, . . Capt. Ebenezer Thayer.
Stoughton, . . Mr. Joseph Hewins.
Wrentham, . . Capt. Timothy Metcalf.
Dedham, . . . Eliphalet Pond, Esq.
Medfield, . . Capt. Peter Coolidge.
Medway, . . . Mr. Elisha Adams.
Chelsea, . . . Thomas Goldthwait, Esq.
Needham, . . Mr. Amos Fuller.

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 Mr. Nathaniel Ropes.
Ipswich, . . John Choate, Esq.,
 Samuel Rogers, Esq.
Newbury, . . Joseph Gerrish, Jr., Esq.,
 John Brown, Esq.
Lynn, . . . Benjamin Newhall, Esq.
Marblehead, . John Tasker, Esq.,
 Jacob Fowle, Esq.
Andover, . . Samuel Phillips, Esq.
Beverly, . . Mr. Henry Herriek.
Rowley, . . . Mr. Thomas Lancaster.
Salisbury, . . Caleb Cushing, Esq.
Haverhill, . . Richard Saltonstall, Esq.
Gloicester, . . Thomas Sanders, Jr., Esq.
Andoverbury, . Thomas Rowell, Esq.
Bradford, . . Capt. Benjamin Milliken.
Boxford, . . Mr. Thomas Perley.
Danvers, . . Mr. Thomas Porter.
Topsfield, . . Mr. John Gould.

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Cambridge, . . Andrew Bordman, Esq.
Charlestown, . James Russell, Esq.¹
Woburne, . . . Mr. James Fowle.
Concord, . . . Charles Prescott, Esq.
Reading, . . . Mr. John Temple.
Newton, . . . Thomas Greenwood, Esq.
Sudbury, . . . John Noyes, Esq.
Marlborough, . Mr. John Warren.
Groton, Shirley } William Lawrence, Esq.
& Peppercell, }
Watertown, . . Mr. Daniel Whitney.
Billerica, . . . Capt. Enoch Kidder.
Framingham, . Joseph Buckminster, Esq.
Lexington, . . William Reed, Esq.
Weston, . . . Elisha Jones, Esq.
Chelmsford, . . Oliver Fletcher, Esq.
Malden, . . . Mr. Ezra Green.
Medford, . . . Stephen Hall, Esq.
Westford, . . . Capt. Jonas Prescott.
Waltham, . . . Samuel Livermore, Esq.
Sherburn, . . . Mr. Jonathan Russell.
Littleton, . . Mr. Joseph Harwood.
Stow, . . . Mr. He[n]ry Gardner.
Lincoln, . . . Chambers Russell, Esq.

COUNTY OF HAMPSHIRE.

Springfield, . John Worthington, Esq.,
 Josiah Dwight, Esq.
Northampton & } Timothy Dwight, Esq.
S^o Hampton, }
Hudley, }
S^o Hudley } Eleazer Porter, Esq.
and Amherst, }
Hatfield, . . . Oliver Partridge, Esq.
Westfield, . . David Moseley, Esq.
Sheffield & } John Ashley, Esq.
Egremont, }
Sunderland, }
Montague & } Mr. Fellows Billing.
New Salem, }

¹ The House Journal, p. 26, reads, Ezekiel Cheever chosen representative in the place of James Russell.

COUNTY OF HAMPSHIRE — *Concluded.*

<i>Brimfield & Monson,</i>	} Daniel Burt, Esq.
<i>Deerfield and Greenfield,</i>	} Elijah Williams, Esq.
<i>Stockbridge,</i>	. . Mr. Elijah Williams.

COUNTY OF WORCESTER.¹

<i>Worcester,</i>	. . . Timothy Paine, Esq.
<i>Lancaster,</i>	. . . William Richardson, Esq.
<i>Leicester & Spencer,</i>	} Capt. John Brown.
<i>Mendon,</i>	. . . Mr. Nathaniel Nelson.
<i>Brookfield,</i>	. . . Jedidiah Foster, Esq.
<i>Sutton,</i>	. . . Capt. Henry King.
<i>Rutland and Rutl^d District,</i>	} John Murray, Esq.
<i>Stockbridge,²</i>	. . . Moses Marey, Esq.
<i>Oxford and Charlton,</i>	} Capt. Edward Davis.
<i>Westborough,</i>	. . . Capt. Bazaleel Eager.
<i>Bolton,</i>	. . . John Whitcomb, Esq.
<i>Southborough,</i>	. . . Capt. Ezra Taylor.
<i>Uxbridge,</i>	. . . Capt. Solomon Wood.
<i>Hardwick,</i>	. . . Timothy Ruggles, Esq.
<i>Petersham,</i>	. . . Mr. Joshua Willard.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	. . . Thomas Foster, Esq.
<i>Scituate,</i>	. . . Thomas Clapp, Esq.
<i>Marshfield,</i>	. . . John Winslow, Esq.
<i>Duxbury,</i>	. . . Capt. Briggs Alden.
<i>Bridgewater,</i>	. . . Daniel Howard, Esq.
<i>Middleborough,</i>	. . . Capt. Ebenezer Sprout.
<i>Rochester,</i>	. . . Capt. Nathaniel Ruggles.
<i>Plympton,</i>	. . . Capt. John Bradford.
<i>Pembroke,</i>	. . . Josiah Keen, Esq.
<i>Kingston,</i>	. . . Capt. Robert Bradford.
<i>Abbingdon,</i>	. . . Mr. Woodbridge Brown.
<i>Hamover,³</i>	. . . Ezekiel Turner, Esq.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. . . James Otis, Esq.
<i>Sandwich,</i>	. . . Mr. Stephen Nye.
<i>Eastham,</i>	. . . Mr. Jonathan Doane.
<i>Harwich,</i>	. . . Mr. Chillingworth Foster, Jr.
<i>Falmouth,</i>	. . . Capt. Joseph Robinson.
<i>Truro,</i>	. . . Mr. Josiah ⁴ Atkins.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . . James Williams, Esq.
<i>Rehoboth,</i>	. . . Mr. Noah Sabin, Jr.
<i>Norton,</i>	. . . Thomas Morey, Esq.
<i>Swanzey,</i>	. . . Jerathmeel Bowers, Esq.
<i>Dartmouth,</i>	. . . Mr. Walter Spooner.
<i>Attleborough,</i>	. . . Mr. Stephen Fuller.
<i>Dighton,</i>	. . . Mr. Ebenezer Stetson.
<i>Freetown,</i>	. . . Thomas Gilbert, Esq.

COUNTY OF YORK.

<i>York,</i>	. . . John Bradbury, Esq.
<i>Kittery,</i>	. . . Capt. James Gowen.
<i>Wells,</i>	. . . Joseph Sayer, Esq.
<i>Berwick,</i>	. . . Benjamin Chadbourn, Esq.
<i>Arundel,</i>	. . . Capt. Thomas Perkins.
<i>Bideford,</i>	. . . Mr. Samuel Jordan.

COUNTY OF CUMBERLAND.

<i>Falmouth,</i>	. . . Samuel Waldo, Esq.
<i>North Yarm^e,</i>	. . . Jeremiah Powell, Esq.
<i>Scarborough,</i>	. . . Edward Milliken, Esq.

DUKES COUNTY.

<i>Edgar Town,</i>	. . . John Norton, Esq.
<i>Chilmark,</i>	. . . Mr. Jonathan Allen.
<i>Tisbury,</i>	. . . Mr. James Athearn.

IN THE COUNTY OF NANTUCKET.

<i>Sherburn,</i>	. . . Abishai Folger, Esq.
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¹ The House Journal, p. 43, reads, Capt. Israel Taylor chosen representative of Harvard.² House Journal, p. 4, reads, "*Sturbridge*."³ *Sic*, for Hanover.⁴ House Journal, p. 4, reads, "Mr. Isaiah Atkins."

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1761.

CHAPTER 1.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOUNT of Gardner Chandler Esq^r Treasurer for the County of Worcester, having been presented to the Court for their allowance
Read and

Ordered That the within account be allowed, and that the Treasurer be discharged the Sum of One hundred and twenty seven pounds, seventeen shillings and three pence: and that the said Treasurer be further accountable to said County for the ballance of said account being ninety three pounds four shillings and three farthings, As Also for the Taxes laid on the Town of Woodstock since the Year 1748. still outstanding when he receives the same. [*Passed May 30.*]

Legislative
Records of the
Council, xxiv.,
11.

House Jour-
nal, pp. 10, 14.

CHAPTER 2.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF HASSANIMISCO INDIANS.

AN ACCOUNT of John Chandler Esq^r and Others Trustees for the Hasanamisco or Grafton Indians having been presented to the Court for their allowance.

Read and

Ordered that the within Acc^t be allowed and the Ball^a due to the said Indians being five shillings and four pence the said Trustees are further Accountable for. [*Passed May 30.*]

Legislative
Records of the
Council, xxiv.,
12. Mass.
Archives,
xxxlii., 166.

Mass.
Archives,
xxxiii., 165.
House Jour-
nal, p. 15.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 3.

VOTE IMPOWERING THOMAS PENNELL TO REVIEW A JUDGMENT.

A PETITION of Tho^s Pennell of Falmouth in the County of Cumberland Setting forth That on the 23^d of January 1760 he obtained an order of the Great and General Court to bring a Writ of Review of an Action wherein he was original Defendant and Sam^l Small Plaintiff. That in his Petition upon which said Order was founded,

Legislative
Records of the
Council, xxlii.,
667; xxiv., 15.

House Jour-
nal, p. 290
(1761); p. 23.

Province
Laws, xvi., 455,
chap. 233.

the Facts were but imperfectly stated, and the order such, as not to afford him the benefit he hoped to reap from it, as to the Merits of said action. And praying He may be again enabled to bring the Cause in the same superior Court at their next Term in the County of York, by the Review of a Judgement given against him upon a Nonsuit, and there produce as part of the case, the Copy of the case that should have been brought in upon the Appeal, or otherwise relieve him.

Read together with the answer of M^r Samuel Small, and

Voted That the Prayer of this Petition be so far granted, as that the Petitioner be and hereby is impowered to commence and prosecute at the Superior Court to be held at York on the third Tuesday of June in the Year 1762, a review of the Judgment rendred against him on the Nonsuit on the appeal mentioned in the Petition and there produce as part of the case the copy of the case that should have been brought into Court on the Appeal had the same been prosecuted. And that the said Court be, and is hereby fully impowered to hear and try the whole merits of the cause in the same manner as they might have done had there been no such nonsuit; and to enter up Judgment and award Execution accordingly. And if the Issue should be for the Plaintiff in said Review to reverse the Judgment given on said Complaint and award execution accordingly as well as on the Judgment rendered on the Nonsuit, the Judgment given on the nonsuit aforesaid and the Judgment given on the Complaint notwithstanding. [*Passed June 2.*]

CHAPTER 4.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF YORK AND ALLOWING £3.8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
17.

House Jour-
nal, pp. 10, 24.
Province
Laws, xvi., 689,
chap. 275.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee and China ware in the County of York made report that they had sold the same to M^r Edward Emerson for Thirty pounds eighteen shillings and taken bond for the same which they had delivered to the Treasurer, And Praying allowance of their charge amounting to Three pounds eight shillings.

Read and Accepted and

*Ordered*¹ that the sum of three pounds eight shillings be paid out of the Public Treasury to the Committee for their time and expences in this affair. [*Passed June 3.*]

CHAPTER 5.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxiv.,
18.

WHEREAS diverse of the Justices of the Inferior Court of Common Pleas and Court of General Sessions of the Peace which by Law are to be held at Taunton in the County of Bristol on the

¹ A similar order occurs in Legislative Records of the Council, xxiv., 78, under date of June 30, 1761.

second Tuesday of this Instant June are members of this Court and the important Affairs of the Province require their attendance thereon Wherefore

House Journal, p. 24.
Province
Laws, xvi., 377,
chap. 26.

Ordered That the said Courts be, and hereby are adjourned to the second Tuesday in September next, and that all matters and things that might have day at said Courts on said second Tuesday of June Instant shall have day and be heard and proceeded upon, upon the said second Tuesday of September next in like manner as if there had been no adjournment of said Court. [*Passed June 3.*]

CHAPTER 6.

ORDER ALLOWING 36/ TO EZEKIEL CARR.

A PETITION of Ezekiel Carr a Private in Cap^t Edward Brown's Company Setting forth That he is made up one month short in the Muster Roll, which was likewise certified by the said Captain And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
20. Mass.
Archives,
lxxix., 643.

Read and

Ordered that the Sum of thirty Six Shillings be paid out of the publick Treasury to Caleb Cushing Esq^r for the Use of the Pet^r in full. [*Passed June 4.*]

House Journal, pp. 20, 25.

CHAPTER 7.

ORDER ALLOWING £4. 5 TO EPHRAIM CASWELL.

A PETITION of Ephraim Caswall of Berkley Setting forth That on the 6 April-1759 he was impressed as a Soldier in the Pay of the Province, and sent to Castle William and there continued till the 9th June, at which time he was discharged as an Invalid, but was never made up in any Roll, And Praying an Allowance for the time he was in service and for his billeting

Legislative
Records of the
Council, xxiv.,
20. Mass.
Archives,
lxxix., 543.

Read and

Ordered that the Sum of four pounds five Shillings be paid out of the publick Treasury to James Williams Esq^r for the Use of the Pet^r in full for his Services and Expenses mentioned. [*Passed June 4.*]

House Journal, p. 25.

CHAPTER 8.

ORDER ALLOWING £4. 1 TO DANIEL REA.

A PETITION of Daniel Rea of Bedford Setting forth That his Servant William Hunt a Soldier in the Pay of the Province the last Campaign returned home infected with the Small pox which occasioned considerable expence and charge to the Petitioner And Praying an Allowance,

Legislative
Records of the
Council, xxiv.,
21. Mass.
Archives,
lxxix., 747.

Read and

Ordered that the Sum of four pounds one Shilling be paid out of the Treasury to William Reed for the Use of the Pet^r in full. [*Passed June 5.*]

Mass.
Archives,
lxxix., 747.
House Journal, p. 27.

CHAPTER 9.

VOTE DIRECTING THE PROVINCE TREASURER TO REPAY THE \$700 BORROWED FOR BOUNTY TO CREW OF PROVINCE SHIP "KING GEORGE," ALSO ALLOWING AN ADDITIONAL BOUNTY OF £3 PER MAN TO COMPLETE THE NUMBER TO 150 MEN, AND ESTABLISHING THEIR WAGES.

Legislative
Records of the
Council, xxiv.,
21. Mass.
Archives, cx.,
86.

Legislative
Records of the
Council, xxiv.,
16. House
Journal, pp. 20,
21, 26, 27.
Province
Laws, xvi., 751,
chap. 428.

Voted That the Province Treasurer be directed to to¹ repay the 700 Dollars borrowed of the Merchants on the Credit of the Province for Bounty in order to Mann the Ship King George.

Also that a further Bounty of three pounds be allowed to each Man that shall enlist on board said Ship to compleat the number of 150 men including Officers y^t there be an Establishment of the Wages at £2.13.4 ~~p~~ month for each of the Men on board said Ship; and that shall inlist as above mentioned to commence from the time of their respective Entry, and to continue until the first day of October next. [*Passed June 5.*]

CHAPTER 10.

VOTE ALLOWING £3 BOUNTY TO SOLDIERS ALREADY ENLISTED AND MUSTERED IN AND THAT CLOTHING TO THE VALUE OF £3.14.8 HERETOFORE A PART OF THE BOUNTY BE NOW CHARGED AGAINST THEIR WAGES.

Legislative
Records of the
Council, xxiv.,
22.

Legislative
Records of the
Council, xxiv.,
14. House
Journal, pp. 19,
20, 29, 30.
Province
Laws, xvi., 721,
chap. 356.

THE HOUSE taking into consideration his Excellencys Message of the first Instant and what may be proper for this Court further to do for the speedy raising by inlistment the three thousand men including Officers voted by this Court to be raised for his Majestys Service on the fourth day of April last.

Voted That the Soldiers that have been already inlisted and mustered shall each receive the Sum of Three pounds fourteen shillings and eight pence in money in lieu of what was allowed for their Cloathing, so as to make their bounty nine pounds in the whole: and all those who shall hereafter inlist shall at the time of their passing muster receive a bounty of Nine pounds each; the several bounties to be paid to them by the Muster master.

And further

Voted, That the Cloathing to the value of Three pounds fourteen shillings and eight pence (allowed by this Court) instead of being part of the bounty as heretofore ordered shall be accounted part of their Wages, and Stoppages be made for the same upon the Muster Rolls: And that the inlistment aforesaid continue until the fifteenth day of July next, and no longer. [*Passed June 5.*]

¹ Sic.

CHAPTER 11.

ORDER ALLOWING £12. 15 TO THE SELECTMEN OF AMESBURY.

A PETITION of Thomas Rowell and Others Selectmen of Amesbury Setting forth That one David Lowell of said Amesbury a Soldier in the pay of the Province returned home infected with small pox, and he being poor the Charge occasioned by his Sickness was paid by the Town, And Praying Relief.

Legislative
Records of the
Council, xxiv.,
23. Mass.
Archives,
lxxix., 567.

Read and

Ordered that the Sum of twelve pounds fifteen Shill^{rs} be paid out of the publick Treasury to Thomas Rowell Esq for the Use of the Town of Almsbury in full. [*Passed June 5.*]

Mass.
Archives,
lxxix., 567.
House Jour-
nal, p. 27.

CHAPTER 12.

ORDER ALLOWING £3. 14. 8 TO BENJAMIN FLOOD.

A PETITION of Benjamin Flood of Westborough Setting forth That he was an Ensign in Col^o Thwings Regiment, and that at the close of the Campaign he was employed 28 days in providing for the Sick between N^o 1 and otter Creek, which occasioned him an expence of 2/8 p day And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
24. Mass.
Archives,
lxxix., 566.

Read and

Ordered that the Sum of three pounds fourteen Shillings and eight pence be paid the Pet^r out of the publick Treasury for his Service abovementioned in full. [*Passed June 5.*]

House Jour-
nal, p. 28.

CHAPTER 13.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ELKANAH SMITH, 2^d, TO REVIEW AN ACTION.

A PETITION of Elkanah Smith 2^{dus} of Taunton in the County of Bristol Setting forth That at an Inferior Court held in and for said County he recovered Judgment against Benjamin Lincoln of said Taunton for about Three pounds and Costs, from which Judgment the said Lincoln appealed to the Superior Court held in said Taunton in October last, when and where the Affair was submitted to a reference, and a rule of court made accordingly; that at the last Superior Court held at Boston the referrees reported, that the said Lincoln recover Four pounds and Costs making in the whole more than Eleven pounds That it appears by testimony, that one of the Referrees was a prejudiced Person and had given his opinion against the Petitioner previous to his Appointment; and that said Lincoln himself had owned some wrong charges he had made in his Account. And Praying that he may be enabled to review the said Action at the next Superior Court to be holden at Taunton, or that he may be otherwise relieved.

Legislative
Records of the
Council, xxiv.,
24.

House Jour-
nal, pp. 27, 28.

Read and

Ordered That the Petitioner serve the adverse Party Benjamin

Lincoln with a copy of this Petition that so he shew cause (if any he hath) on the first Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted, and Execution is stayed in the mean time: Provided the Petitioner first give sufficient caution to the Sheriff of the County of Bristol to respond the sum that shall finally be adjudged due.¹ [*Passed June 5.*]

CHAPTER 14.

ORDER ALLOWING £4 TO CHARLES PARKER.

Legislative
Records of the
Council, xxiv.,
29. Mass.
Archives,
lxxix., 696.

House Jour-
nal, pp. 20, 35.
Province
Laws, xvi., 460,
chap. 245.

A PETITION of Charles Parker of Yarmouth a Soldier in the Pay of the Province Setting forth That being stationed at Annapolis Royal in the Year 1759, he remained there till 7 February 1760, and thereby became intitled to a Bounty of Four pounds pursuant to a resolution of the Court, which bounty he hath never received And Praying he may now receive the same.

Read and

Ordered that the sum of four pounds be paid by the Commissary General to Mr Chillingsworth Foster for the Use of the Pet^r in full. [*Passed June 5.*]

CHAPTER 15.

ORDER ALLOWING £3 TO JOS: FURBUSH.

Legislative
Records of the
Council, xxiv.,
29. Mass.
Archives,
lxxix., 565.

Mass.
Archives,
lxxix., 565.
House Jour-
nal, p. 35.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of Joseph Furbush² of Kittery Setting forth That his son Meads Furbush, a Soldier in the Pay of the Province in 1758. was killed at Ticonderoga, and his Gun lost: and that three pounds is stopt out of his Wages on account of said Gun. And Praying an allowance.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Cap^t James Gowen for the Use of the Pet^r in full. [*Passed June 9.*]

CHAPTER 16.

ORDER ALLOWING £13. 10 TO CAPT. JOSIAH CARVER.

Legislative
Records of the
Council, xxiv.,
30. Mass.
Archives,
lxxix., 149.

Mass.
Archives,
lxxix., 149.
House Jour-
nal, p. 31.

A PETITION of Cap^t Josiah Carver an Officer in the Pay of the Province Praying an allowance for his extraordinary Service and Expence in collecting Battoes to transport the Soldiers &c^a

Read and

Ordered that the Sum of thirteen pounds ten Shill^{gs} be paid out of the publick Treasury to Cap^t Nathaniel Ruggles for the Use of the Pet^r in full of his Acc^{ts}. [*Passed June 9.*]

¹ At the hearing, November 26, 1761, House Journal, p. 153, this petition was dismissed.

² The House Journal, p. 35, reads, "*Turburt.*"

CHAPTER 17.

VOTE ALLOWING £60 TO SELECTMEN OF BOSTON FOR THE HOSPITAL.

THE HOUSE taking into consideration the circumstances of the Hospital in y^e Town of Boston w^{ch} is improved for the reception of strangers w^{ch} are sick, & it appearing to the House that something is necessary to be done to secure the s^d building from the Sea & also to put it into repair therefore

Voted that the sum of sixty pounds be paid out of the Province Treasury & put into the hands of the Selectmen of Boston for s^d purpose, said Selectmen to be accountable to this Court.

In Council Read and Concurred. [*Passed June 10.*]

Legislative
Records of the
Council, xxiv.,
31. Mass.
Archives,
lxxxvii., 353.

Mass.
Archives,
lxxxvii., 353.
House Jour-
nal, p. 44.
Province
Laws, xv., 546,
chap. 42.

CHAPTER 18.

ORDER ALLOWING £8 TO JN^o McNAMARA.

A PETITION of John McNamara Setting forth That he was taken in the Province Snow Prince of Wales and sent to France, and was by that means absent from his Family eighteen months, And Praying an allowance.

Read and

Ordered that the Sum of Eight pounds be paid out of the publick Treasury to the Pet^r in full. [*Passed June 10.*]

Legislative
Records of the
Council, xxiv.,
31. Mass.
Archives,
lxxvi., 146.

Mass.
Archives,
lxxvi., 144.
House Jour-
nal, p. 39.

CHAPTER 19.

ORDER ALLOWING £8 TO JOSEPH JOSEPH, INDIAN.

A PETITION of Joseph Joseph of Wareham, Indian Setting forth That being a Soldier in the Pay of the Province in 1757, he was taken Prisoner at Fort William Henry, and remained in captivity until the Surrender of Montreal, And Praying an allowance.

Read and

Ordered that the Sum of eight pounds be allowed and paid out of the publick Treasury to Cap^t Nathaniel Ruggles for the Use of the Pet^r in full. [*Passed June 10.*]

Legislative
Records of the
Council, xxiv.,
31. Mass.
Archives,
lxxix., 564.

Mass.
Archives,
lxxix., 564.
House Jour-
nal, p. 43.

CHAPTER 20.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING VOTES passed upon the petition of Sick and wounded Soldiers Viz that there be Allowed & paid out of the publick Treasury

To Mr Henry Gardiner . . .	3.	1.	4	for the Use of Abigail Thompson In full
To Mr Tho ^s Lancaster . . .	4.	0.	0	Sam ^l Johnson
To Tim ^o Paine Esq ^r . . .	0.	18.	0	David Bigelow
To Ditto . . .	2.	14.	6	Daniel Bigelo

Legislative
Records of the
Council, xxiv.,
32. Mass.
Archives,
lxxix., 774.

House Jour-
nal, pp. 39, 40.

To Benj ^e Hatch	8. 0. 0	In full
To M ^r Tho ^s Lancaster	2. 14. 4	Jonathan Stickney
To Cp ^t Enoch Kidder	1. 12. 0	John Blanchard
To James Williams Esq ^r	3. 11. 0	David Stacey
To Maj ^r Tho ^s Morey	1. 10. 0	Edward Soullard
To Jedediah Foster Esq ^r	2. 7. 9	Sarah Jennings
To Tho ^s Rowell Esq ^r	9. 6. 0	Tim ^o Challis
To Jedediah Foster Esq ^r	1. 1. 4	David Reed
To Ditto	1. 17. 0	Nath ^l Reed
To Maj ^r Daniel Burt	1. 16. 6	Jabez Nicholls
To Ditto	1. 16. 6	Eben ^r Mirick
To Ditto	5. 14. 8	Mary Babcock
To Jedediah Foster Esq ^r	2. 15. 2	Abner Tyler
To Ditto	5. 12. 8	Isaac Magoon
To Tho ^s Rowell Esq ^r	4. 4. 0	Sarah Sergeant
To David Moseley Esq ^r	3. 10. 0	John Patterson
To Edward Grout	2. 13. 6	
To M ^r Henry Gardiner	2. 0. 0	Nathan Whitney Jun ^r
To Moses Mercy Esq ^r	0. 15. 0	W ^m White
To Caleb Cushing Esq ^r	0. 16. 10	Daniel Eaton
To Ditto	2. 8. 0	Nath ^l Brown
To Cp ^t Edward Davis	1. 4. 0	Naptali Streeter
To Moses Mercy Esq ^r	2. 11. 8	Sarah Wheeler
To Jedediah Foster Esq ^r	1. 2. 8	Samuel Cole
To Ditto	2. 4. 0	Elizabeth Gilbert

[*Passed June 10.*

CHAPTER 21.

ORDER ALLOWING £10. 18. 6 TO PELATIAH MAN & BARUCH POND.

Legislative
Records of the
Council, xxiv.,
33. Mass.
Archives, cxi.,
494.

Mass.
Archives, cxi.,
493.

A PETITION of Timothy Metcalf in behalf of Pelatiah Man and Baruch Pond of Wrentham Setting forth That they the said Pelatiah and Baruch did in the years 1757 and 1759 billet certain Soldiers in the Pay of the Province, and did transmit their accounts of the same, which accounts were by some means or other lost or mislaid before they were passed upon in Council, and as they kept no copies of the same, Praying an equitable Allowance.

Read &

Ordered that there be paid out of the publick Treasury to the petitioner for the use of Pelatiah Man & Baruch Bond the Sum of Ten pounds 18/6 In full for Victualling the Soldiers mentioned In the petⁿ.¹ [*Passed June 10.*

CHAPTER 22.

ORDER APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

Legislative
Records of the
Council, xxiv.,
33.

House Jour-
nal, p. 48.

In Council

Ordered That John Osborne, Andrew Oliver and Thomas Hubbard Esq^{rs} with such as the honourable House shall join be a Committee to repair to the Treasurers in the recess of the Court take an account of the Government Securities now in his hands and see the same consumed to Ashes, and report the next Sitting of the Court.

In the House of Representatives; Read and Concurred and M^r Tyler, Col^o Phillips M^r Otis and M^r Cushing are joined in the Affair. [*Passed June 11.*²

¹ Not found in the House Journal.

² This date is according to the House Journal; according to Legislative Records of the Council the date is June 10.

CHAPTER 23.

ORDER ESTABLISHING THE WAGES OF THE SURGEON ON BOARD THE PROVINCE SHIP "KING GEORGE."

A PETITION of Benjamin Hallowell Esq^r Commander of the Ship King George Setting forth That the Establishment for the Pay of a Surgeon on board said Ship is so small that no person of Skill will accept of the place, And Praying an Augmentation.

Read and in Answer

Ordered that the Wages of the Surgeon of the Ship King George be Eight pounds per month. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
35. Mass.
Archives,
lxvi., 138.

Mass.
Archives,
lxvi., 137.
House Jour-
nal, pp. 36, 46.
Province
Laws, xvi., 316,
chap. 255.

CHAPTER 24.

ORDER ALLOWING £8 TO WILLIAM MERRET.

A PETITION of William Merret of Boston Shipwright Setting forth That in the Year 1758. He entered aboard the Ship King George, Cap^t Hallowell, that on the 8th of August the same Year as he was going ashore in the Barge at the Eastward, he was taken by the Indians, and carried to Quebec, where he remained till the Surrender of the Place. And Praying an allowance,

Read and

Ordered that the sum of eight pounds be paid out of the publick Treasury to the Pet^r in full. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
35. Mass.
Archives,
lxvi., 154.

Mass.
Archives,
lxvi., 152.
House Jour-
nal, p. 43.

CHAPTER 25.

ORDER ALLOWING 16/ TO DAVID BAYLEY.

A PETITION of David Bayley of Rowley Praying an Allowance for the Service of his Son a Soldier in the Pay of the Province employed in tending the Sick at Fort Edward and at Albany, after he was dismissed at Crown Point.

Read and

Ordered that the Sum of Sixteen Shill^{es} be paid out of the publick Treasury to M^r Tho^s Lancaster for the Use of the Pet^r in full. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
35. Mass.
Archives,
lxxix., 505.

House Jour-
nal, p. 43.

CHAPTER 26.

RESOLVE DIRECTING THE PROVINCE SECRETARY TO WRITE AGENT BOLLAN IN REGARD TO THE RUMFORD AFFAIR.

Resolved That the Secretary be and hereby is directed to write to M^r Agent Bollan on the Affair of the Proprietors of Rumford conformable to a Vote of the General Court passed at their Sessions in December last. And that the sum of One hundred pounds Sterling then granted and allowed to be paid out of the Public Treasury to

Legislative
Records of the
Council, xxiv.,
36.

Province
Laws, xvi.,
639, chap. 159.

such person or persons as should be appointed by the Proprietors of Rumford to receive the same towards enabling them to prosecute to effect the Appeal that is now pending be paid by M^r Agent Bollan out of the Provinces money he has in his hands to the order of said Proprietors, and to such person or persons as they shall appoint to receive the same in London, and that the Secretary write M^r Bollan accordingly, The said Sum of One hundred pounds to be in lieu of what was allowed to be paid out of the Province Treasury by the Vote aforesaid.¹ [*Passed June 11.*]

CHAPTER 27.

ORDER IMPOWERING KEZIAH HOWARD AND SIMEON HOWARD, EXECUTORS, TO EXECUTE DEEDS.

Legislative
Records of the
Council, xxiv.,
37.

House Jour-
nal, p. 45.

A PETITION of Keziah Howard, Administrat^x of the Estate of David Howard late of Bridgwater in the County of Plymouth deceased Setting forth That the said David in his Life time did bargain away several peices of Land, and did receive payment in full for the same, but did not execute deeds of Sale for said Lands viz^t about three Acres lying in Raynham in the County of Bristol to M^r Elijah Leonard of said Raynham, about five acres of Common and undivided Land in the Town of Bridgwater to Perkins Gurney of said Bridgwater, and one hundred and thirty rods of Land to M^r Ephraim Fobes of said Bridgwater by way of exchange for other Lands, for their mutual accomodation in fencing. And praying that she or some other person may be impowered to execute the deeds in compliance with the Agreement made as aforesaid.

Read and

Ordered That the prayer of the Petition be granted, and that the Petitioner together with Simeon Howard, Executors to David Howard deceased be and hereby are impowered to give and execute good and sufficient Deeds in the Law to Elijah Leonard and Perkins Gurney for the Lands in said Petition mentioned inasmuch as the deceased had sold it in his life time & actually received the money for the same, of which Fact the said Executors are to be fully satisfied; and also that the said Executors be in like manner impowered to make and execute a good and sufficient Deed to Ephraim Fobes of One hundred and thirty rods of land the said deceased had bargained by way of exchange with the said Ephraim for the better accomodation for fencing, the said Ephraim giving Deeds at the same time to convey the Lands that were to be given in lieu, to be vested in the heirs of the said deceased in the same manner as the said One hundred & thirty rods would have descended in case no such Deed had been made. [*Passed June 11.*]

¹ Not found in the House Journal.

CHAPTER 28.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY FOR 1760.

AN ACCOUNT of the Treasurer of the County of Essex (Samuel Epes Esq^r) dated 29 July 1760, signed A Holyoke Executor to the last Will of the late Treasurer, having been laid before the Court for allowance.

Read and

Ordered That the within account be allowed, and that the Estate of the said deceased be discharged of the ballance being Thirty six pounds thirteen shillings & five pence half penny, the said Executor having paid the same to John Choate Esq^r present Treasurer of said County. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
38.

House Jour-
nal, pp. 10, 44,
45. Province
Laws, xvi., 601,
chap. 84.

CHAPTER 29.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY FOR 1761.

AN ACCOUNT of John Choate Esq^r Treasurer for the County of Essex to March 1761. having been laid before the Court for allowance.

Read and

Ordered That the within account be allowed, and that the Treasurer be discharged the sum of One hundred twenty nine pounds two shillings, and that he be further accountable for the ballance being One hundred thirty one pounds eleven shillings and five pence. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
38.

House Jour-
nal, pp. 10, 44,
45. *Supra*,
chap. 28.

CHAPTER 30.

ORDER ALLOWING THE SPECIE ACCOUNT OF THE COMMISSARY GEN- ERAL.

AN ACCOUNT of Thomas Hubbard Esq^r Commissary General of the purchase and disposal of sundry Species of Provisions. having been laid before the Court for Allowance.

Read and

Ordered that this account be allowed, and the Commissary General is further accountable for thirty five barrels of pork, five barrels of Beef, two hundred and twenty five bushels of Peas and eighty five galons of molasses accordingly. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
38.

House Jour-
nal, p. 42.

CHAPTER 31.

ORDER ALLOWING THE INDIAN TRADE ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxiv.,
38.

House Jour-
nal, p. 12.

AN ACCOUNT of Thomas Hubbard Esq^r Commissary General of his receipts and disbursements for the Truck Trade with the Indians having been laid before the Court for allowance.

Read and

Ordered That this Account be allowed, and the Commissary General is further accountable for the sum of One hundred and four pounds eleven shillings and five pence three farthings accordingly. [*Passed June 11.*]

CHAPTER 32.

ORDER ALLOWING THE DISBURSEMENT ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxiv.,
39.

House Jour-
nal, p. 42.

AN ACCOUNT current of Thomas Hubbard Esq^r Commissary General dated May 27: 1761. having been laid before the Court for Allowance,

Read and

Ordered That this Account be allowed, and the Commissary General is further accountable for the sum of Two thousand six hundred and twenty five pounds three shillings and one penny farthing accordingly. [*Passed June 11.*]

CHAPTER 33.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxiv.,
39.

House Jour-
nal, pp. 10, 50.

AN ACCOUNT of Daniel Bussell Esq^r Treasurer of the County of Middlesex dated 20 May 1761, having been laid before the Court for their allowance.

Read and

Ordered That the within account be allowed, and that the Treasurer be discharged the sum of One hundred seventy eight pounds seven shillings and two pence half penny. And that he further Account with the said County for the ballance being One hundred forty four pounds three shillings and nine pence. [*Passed June 12.*]

CHAPTER 34.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiv.,
39.

AN ACCOUNT of Mr John Cotton, Treasurer of the County of Plymouth to 30 April 1761. having been laid before the Court for their allowance.

Read and

Ordered That the within account be allowed, and that the said Treasurer be discharged of the sum of Ninety pounds eleven shillings and seven pence, and that he further account with the said County for the ballance thereof being twenty seven pounds nineteen shillings and eight pence. [*Passed June 12.*]

House Journal, pp. 10, 49.

CHAPTER 35.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

AN ACCOUNT of John Sumner Treasurer of the County of Dukes County for the Year 1760 having been laid before the Court for Allowance.

Legislative Records of the Council, xxiv., 40.

Read and

Ordered That this Account be allowed, and that the Treasurer be discharged the Sum of One hundred thirty six pounds and one half penny and that he be further accountable to the said County for the ballance being two farthings. [*Passed June 12.*]

House Journal, pp. 10, 45.

CHAPTER 36.

ORDER ALLOWING £8 TO SAMUEL DAVIS.

A PETITION of Samuel Davis of Madumcook Setting forth That in September 1758. Lieu^t Robert Carver the commanding Officer there, having intelligence of the Enemy, and having no Boat of the Governments to pursue them in, took a Boat of the Petitioners; but the Enemy being superior in numbers repulsed him with the Loss of Men, and also of the Petitioners said Boat. And Praying an allowance.

Legislative Records of the Council, xxiv., 41. Mass. Archives, lxvi., 140.

Read and

Ordered that the Prayer of the Petⁿ be granted and that the Sum of eight pounds be paid out of the publick Treasury to the Pet^r in full. [*Passed June 12.*]

Mass. Archives, lxvi., 139. House Journal, pp. 49, 50.

CHAPTER 37.

ORDER ALLOWING £1. 6. 8 TO JAMES HICKMAN.

A PETITION of James Hickman of Eastham Setting forth that in the Year 1758 He went by order of the Government as Pilot of a Vessel to Seal Island in order to relieve some People apprehended to be in distress there, in which service he was gone ten days, for which he hath not yet received any Pay: And Praying an Allowance.

Legislative Records of the Council, xxiv., 41. Mass. Archives, lxvi., 150.

Read and

Ordered that the Sum of One pound Six Shillings and eight pence be paid out of the publick Treasury to M^r Jonathan Doane for the Use of the Petitioner in full. [*Passed June 12.*]

Mass. Archives, lxvi., 149. House Journal, pp. 48, 50.

CHAPTER 38.

ORDER APPOINTING A COMMITTEE TO ASCERTAIN THE NUMBER OF THE TENANTS ON LANDS CLAIMED BY THE EARL OF STERLING IN THE EASTERN PARTS.

Legislative
Records of the
Council, xxiv.,
43.

Legislative
Records of the
Council, xxiv.,
18. House
Journal, pp. 55,
56.

THE COMMITTEE upon M^r Bollans Letter of 28 march relative to the Provinces Title to the Country claimed by the Earl of Sterling and Others, find that the necessary papers have been sent to M^r Bollan pursuant to his former Letters. With respect to the number of Ter Tenants which m^r Bollan wants an account of, the Committee are of opinion that some Gentlemen should be appointed to procure the best account, with the best proof concerning it they can, and deliver the same to the Secretary to be transmitted by him to m^r Bollan as soon as may be.

Signed in the name of the Committee JAMES BOWDOIN.

In Council Read and Accepted And

Ordered that Thomas Flucker Esq^r with such as the honourable House shall join be a Committee to prepare an Account of the Ter Tenants on the Lands in the Eastern parts of the Province claimed by the Earl of Sterling, and deliver the same to the Secretary, and that the Secretary be directed to transmit the same to M^r Agent Bollan.

In the House of Representatives Read and Concurred and Col^o Waldo and Cap^t Powell are joined in the Affair. [*Passed June 13.*]

CHAPTER 39.

ORDER CONFIRMING THE PROCEEDINGS AT A MEETING OF THE INHABITANTS OF THE DISTRICT OF PRINCE TOWN, ETC.

Legislative
Records of the
Council, xxiv.,
28, 44.

Legislative
Records of the
Council, xxlii.,
666; xxiv.,
33. House
Journal, p. 301
(April 1760-1);
pp. 39, 52, 53.
Province
Laws, iv., 344,
note; xvi., 671,
chap. 228.

A PETITION of a number of the Inhabitants of Prince Town Setting forth as in their Petition entered 7: April last, that there were divers illegal Votes and unwarranted Transactions at their annual Town meeting in March last. And Praying Relief.

Read and Accepted, and thereupon

Ordered That the proceedings of the Inhabitants of the District of Prince Town at their meeting in March last be confirmed, and that their proceedings at the adjournment of said meeting be regulated so far as it relates to the qualification of Voters, by the valuation of Estates already taken. Also that the Assessors of said District as soon as may be make an exact list and valuation of Estates in said District for the future regulation of their Voters as by Law is required. [*Passed June 13.*]

CHAPTER 40.

ORDER ALLOWING £50 TO WILLIAM ARBUTHNOTT.

A PETITION of William Arbuthnott Esq^r Setting forth That in consideration of his Sufferings and Losses at Fort William Henry, Governor Pownall in the Years 1759 and 1760. appointed him Commissary and Director of Hospital Stores and from the date of his said Commission until July 1760 he exercised said employments to the advantage of the Government and as he flatters himself to acceptance, and that he hath paid Twenty five pounds Sterl^s for a Clerk to assist him, And Praying an Allowance,

Legislative
Records of the
Council, xxiv.,
44. Mass.
Archives,
lxxix., 749.

Mass.
Archives,
lxxix., 749.
House Jour-
nal, pp. 36, 47,
50.

Read and

Ordered that the Sum of fifty pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Services mentioned. [*Passed June 13.*]

CHAPTER 41.

ORDER ALLOWING £3 TO BENJAMIN BRIGGS, 2^d.

A PETITION of Benjamin Briggs the 2^d of Taunton Setting forth That his son Jacob Briggs a Soldier in the pay of the Province upon his return home after a regular dismission was seized with the Small Pox, at Sheffield, which occasioned him considerable expence. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
44. Mass.
Archives,
lxxix., 547.

Mass.
Archives,
lxxix., 546.
House Jour-
nal, p. 51.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to James Williams Esq^r for the Use of the Pet^r in full. [*Passed June 13.*]

CHAPTER 42.

VOTE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER, ENDING MAY 28, 1760, AND DISCHARGING HIM OF £333,102. 15. 5.

AN ACCOUNT of Harrison Gray Esq^r Treasurer and Receiver General of the Province dated 28th May 1760 having been previously examined by the several Committees of the two Houses respectively.

The Com^{tee} appointed to Examine the Treasurer's acc^{ts} have attended that Service and find they are right cast and well vouched.

Legislative
Records of the
Council, xxiv.,
45. Mass.
Archives,
cxxv., 183.

J. OSBORNE pr order

Mass.
Archives,
cxxv., 181.
House Jour-
nal, p. 173
(Jan. 10, 1761).

Read and

Voted That the Treasurer & Receiver Gen^l of this Province Be Discharged of the Sevrall Sums above mentioned Amounting to thre Hundred & thirty three thousand and one Hundred & two pounds, fifteen shillings & five Pence; And that He be further Accountable to the Province for the Sum of Ninety Eight Thousand, five Hundred & twenty five pounds fifteen shillings & seven Pence the Ballance of the above account Remaining in his hands

and the further sum of Sixty one Thousand, nine Hundred & Seventy one pounds, Six Shillings & one penny outstanding taxes which he is accountable for when Received. [*Passed June 15.*]

CHAPTER 43.

ORDER ALLOWING £20 TO CAPT. PETER PARKER.

Legislative
Records of the
Council, xxiv.,
46. Mass.
Archives,
lxxix., 748.

Mass.
Archives,
lxxix., 748.
House Jour-
nal, pp. 23, 54.

A PETITION of Peter Parker, a Captain in Col^o Bagley's Regiment the last Year at Louisbourg Setting forth That being beat off the Coast the last Winter, he and his Company put into Monti Christo, where they lay about two months, and that three quarter parts of his Company were there put ashore sick, which occasioned him great expence; that he was at expence likewise for wooding and watering the Vessel. And Praying an Allowance.

Read &

Ordered, That the Sum of Twenty Pounds be paid out of the publick Treasury to the Petitioner in full. [*Passed June 15.*]

CHAPTER 44.

RESOLVE ESTABLISHING THE WAGES OF OFFICERS ON BOARD THE PROVINCE SHIP "KING GEORGE."

Legislative
Records of the
Council, xxiv.,
46. Mass.
Archives,
lxxvi., 148.

House Jour-
nal, pp. 52, 58.
Province
Laws, xvi., 751,
chap. 428,
Ante, p. 10,
chap. 9.

A PETITION of Benjamin Hallowell Esq^r Commander of the Ship King George in behalf of the other Officers belonging to said Ship. Setting forth That the Establishment for the Pay of the Officers belonging to said Ship is so small that they cannot support the dignity of their several stations, and that it is with the greatest difficulty that Officers can be procured to do the duty of said Ship. And as the Wages of the Seamen belonging to said Ship have lately been augmented over and above what is allowed to some of the Officers, And Praying that the Wages of said Officers may be augmented.

[Read and]

Resolved, That the Establishment of the Wages of the officers on board the Ship King George be, for the future, as follows, Viz'

For a Captain	£10. 0. 0	per Month
For a Lieutenant	6. 5.	Ditto.
For a Master	5. 0. 0	Ditto.
For a Boatswain	3. 15. 0	Ditto.
For a Pilot	5. 0. 0	Ditto.
For a Chaplain	4. 7. 6	Ditto.
For a Gunner	3. 15.	Ditto.
For a Carpenter	3. 15. 0	Ditto.
For a Master's Mate	3. 15. 0	Ditto.
For an Armorer	3. 2. 6	Ditto.
For a Sail maker	3. 2. 6	Ditto.
For a Coxwain	3. 2. 6	Ditto.
For a Chirurgeon	8.	Ditto.
For a Steward	2. 16.	Ditto.
For a Boatswain's Mate	2. 16.	Ditto.
For a Quarter Master	2. 16.	Ditto.
For a Chirurgeon's Mate	3. 15.	Ditto.

[*Passed June 16.*]

CHAPTER 45.

ORDER ALLOWING £7. 11. 10 TO ABIEL ABBOT.

A PETITION of Abiel Abbot of Andover Setting forth That He served as Surgeons Mate of Col^o Frys Regiment posted at Aunapolis Royal in 1759 & 1760; that he was not discharg'd till the 10th June last, but is made up in the Staff Roll only to the last of April, And Praying an allowance for the intermediate time.

Legislative
Records of the
Council, xxiv.,
48. Mass.
Archives,
lxxix., 767.

House Jour-
nal, pp. 51, 56.

Read &

Ordered, That the Sum of seven Pounds eleven Shillings and ten Pence be paid out of the publick Treasury to the Petitioner in full for his Wages mentioned. [*Passed June 16.*]

CHAPTER 46.

ORDER ALLOWING £3 TO W^M WELCH.

A PETITION of William Welch Setting forth That being a Soldier in the Pay of the Province in Col^o Bagley's Regiment posted at Louisbourg, he obtained in December 1759 a furlough to return home, which he attempted to do, but the Vessel in which he was coming was by Stress of Weather beat off to the West Indies and taken by the Enemy and carried into Martineco, from whence at the end of nine Months he returned, but in such a bad state of health, that he was not able to return to his duty afterwards. And Praying an Allowance,

Legislative
Records of the
Council, xxiv.,
49. Mass.
Archives,
lxxix., 761.

Mass.
Archives,
lxxix., 761.
House Jour-
nal, p. 59.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to the Pet^r in full. [*Passed June 16.*]

CHAPTER 47.

VOTE ALLOWING THE GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING MAY 27, 1761, AND DISCHARGING HIM OF £425,362. 15. 2.

AN ACCOUNT of Harrison Gray Esq^r Treasurer & Receiver General of the Province dated 27 May 1761 having been previously examined by the several Committees of the two Houses respectively.

Legislative
Records of the
Council, xxiv.,
50.

[Read and]

House Jour-
nal, pp. 32, 61.

Voted That the Treasurer be, and hereby is discharged of the several payments in the foregoing Account amounting to four hundred and twenty five thousand three hundred and sixty two pounds 15/2. And that he be further accountable for the Sum of Sixty six thousand three hundred and seventy two pounds 11/3 ballance in his hands. [*Passed June 17.*]

CHAPTER 48.

ORDER GRANTING A TAX OF ONE HALF PENNY PER ACRE ON LAND
IN HOLDEN AND CONFIRMING THE ELECTION OF ASSESSORS, COL-
LECTOR AND TREASURER THEREFOR.

Legislative
Records of the
Council, xxiv.,
51. Mass.
Archives,
cxvii., 729.

Mass.
Archives,
cxvii., 728.
House Jour-
nal, pp. 54, 62.
Province
Laws, xii., 314,
chap. 123.

A PETITION of Eliakim Hutchinson Esq^r and M^r Samuel Peirce Setting forth That the Proprietors of the Common and undivided Lands in the Town of Holden in the County of Worcester by their Agents, the said Petitioners, at their meeting held at Boston in December 1736

Voted That there should be a suitable Meeting House built in said Town, and in order to accomplish the same voted sundry Taxes to be levied on all the Lands lying in said Town, but that there still remains a deficiency. The Proprietors therefore at their meeting called for that purpose in January last voted a tax of one half penny *p* Acre to be Levied on all the said Lands, and appointed Samuel Pierce, Joseph Hubbard and Joseph Greenwood Assessors, and Jonathan Lovell Treasurer, and John Child Collector. And Praying that this Court would ratify the Votes and Proceedings aforesaid & confirm said persons in their respective Offices and enable them to execute the several trusts to which they have been thus appointed.

Read and

Ordered that the Prayer of the Petition Within Mentioned be Granted And that the Grant of a Tax of one half penny *p*^r acre on the land Within mentioned for the purpose there Sett forth, made by The Town of Holden at there meeting within mentioned be and Hereby is Ratified and Confirmed accordingly,¹ and that Samuel Peirce, Joseph Hubbard, and Joseph Greenwood of Said Holden be authorized as assessors, to proportion the same Tax on the Proprietors and Inhabitants of said Town, and that John Child of Said Town be Impowered and Directed to Collect the same, and that Jonathan Lovell of said Town be Authorized and Impowered to Receive and pay the same Sum for the Purposes within mentioned, The said Assessors Collectors and Treasurer to Have the same Power therein as the Assessors Collectors and Treasurer of other Towns are Vested with. [*Passed June 17.*]

CHAPTER 49.

ORDER ALLOWING £12 TO RICH^d TRUSDELL.

Legislative
Records of the
Council, xxiv.,
53. Mass.
Archives,
lxxix., 666.

Mass.
Archives,
lxxix., 664.
House Jour-
nal, p. 64.

A PETITION of Richard Trusdell of Newtown Setting forth That being a Soldier in the Pay of the Province in 1758 He was wounded by a Ball which went through his Breast and right arm, for which he hath already received four pounds from this Government: that his arm hath been so weak ever since as to render him unfit for labour, and that it is like so to continue. And Praying relief.

Read and

¹ The House Journal omits the words beginning, "and that Samuel Peirce," etc., to the end of the order.

Ordered that the sum of twelve pounds be paid to Thomas Greenwood Esq^r out of the publick Treasury for the Use of the Pet^r in full for his Sufferings to this time. [*Passed June 18.*]

CHAPTER 50.

ORDER ALLOWING £3 TO THEODORUS DOTY.

A PETITION of Theodorus Doty Setting forth That He was a Soldier in the Pay of the Province in 1758, and returned his Gun when the Campaign was over: but that in making up the Roll, there was three pounds stopped from his Wages; and praying Relief.

Read and

Ordered that the sum of three pounds be paid out of the publick Treasury to Brigadier Ruggles for the Use of the Pet^r in full. [*Passed June 18.*]

Legislative
Records of the
Council, xxiv.,
53. Mass.
Archives,
lxxix., 714.

Mass.
Archives,
lxxix., 714.
House Jour-
nal, p. 61.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 51.

ORDER DIRECTING THE STOPPAGE OF THE £3 PENSION TO JUDAH CLARK.

WHEREAS in Aprill 1757 It was Ordered By this Court that three Pounds as a Pension Be allowed to Judah Clark P^r Annum on the Account of a Wound which He Rec^d in His Left Elbow from the Enemy Near Lake George in the year 1755 Untill the further Order of this Court, and whereas he is now Recovered of His wound and Been Since into the Service as a Commission Officer, Therefore

Ordered that the Said Annuall Pension of three Pounds allowed to Said Judah Clark Shall henceforth determine & Cease & he shall have no further Allowance made him on the Account of His wound Aforesaid. [*Passed June 18.*]

Legislative
Records of the
Council, xxiv.,
54. Mass.
Archives,
lxxix., 779.

House Jour-
nal, p. 65.
Province
Laws, xv., 739,
chap. 526.

CHAPTER 52.

ORDER ALLOWING £3.6 TO SAM^l TUBBS.

A PETITION of Samuel Tubbs Setting forth That he served as a Soldier in the Pay of the Province at Nova Scotia in Cap^t Bassets Company, and on the 14 June 1760 was turned over to Cap^t Cane, but that by mistake he is made up in Cap^t Canes Roll only from the 1st of August, And Praying an Allowance.

Read and

Ordered that the sum of three pounds Six Shillings be paid out of the publick Treasury to Col^o Thomas Gilbert for the Use of the Pet^r in full. [*Passed June 18.*]

Legislative
Records of the
Council, xxiv.,
55. Mass.
Archives,
lxxix., 712.

Mass.
Archives,
lxxix., 712.
House Jour-
nal, pp. 60, 61.

CHAPTER 53.

ORDER REQUIRING THE ASSESSORS OF DUNSTABLE TO TAKE A LIST OF THE POLLS AND ESTATES OF THE INHABITANTS OF "JOINT GRASS," SO CALLED, ETC.

Legislative
Records of the
Council, xxiv.,
55.

House Jour-
nal, pp. 39, 63.
Province
Laws, xv., 10,
chap. 7.

WHEREAS there is a dispute arisen by the Assessors of the Town of Dunstable for the Year 1760. with regard to taking in the valuation of a number of Inhabitants called Joynt Grass formerly belonging to the Town of Groton, and in the Year 1753 were set off by this Court to the Town of Dunstable to do duty and receive privilege. Thereupon

Ordered That the said Assessors of the Town of Dunstable for 1760 be, and are hereby required forthwith to take a List of valuation of the Polls and Estates of the Inhabitants of Joynt Grass, and transmit the same to the Committee of this Court chosen to settle the valuation of the several Towns and Districts within this Province. Provided that this Order be not understood or construed to determine any doubt or dispute subsisting whether the Inhabitants of Joynt Grass belong to Groton or Dunstable, or to bar any Process in the Law for determining the same. [*Passed June 18.*]

CHAPTER 54.

ORDER ALLOWING £3 TO JESSE PRAT.

Legislative
Records of the
Council, xxiv.,
57. Mass.
Archives,
lxxix., 545.

Mass.
Archives,
lxxix., 545.
House Jour-
nal, p. 61.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of Jesse Prat of Middleborough Setting forth That He was a Soldier in the Pay of the Province in 1758. and in the Action at Ticonderoga lost his Gun, for which there was three pounds stopped out of his Wages. And Praying Relief.

Read and

Ordered that the Sum of three pounds be paid to James Williams Esq^r out of the Treasury for the Use of the Pet^r in full. [*Passed June 19.*]

CHAPTER 55.

ORDER ALLOWING £20 TO GILES HARRIS.

Legislative
Records of the
Council, xxiv.,
57. Mass.
Archives,
lxxix., 750.

House Jour-
nal, pp. 22, 67.

A PETITION of Giles Harris Setting forth That he was commissioned by Governor Pownall in 1759. to be Conductor of Hospital Stores to Col^o Thomas's Regiment stationed at Halifax, the duty of which Office he performed from 31 March 1759 to 18th January 1760. And Praying he may receive the like allowance, as was made to those at the Westward.

Read and

Ordered that the Sum of twenty pounds be paid out of the publick Treasury to the Pet^r in full for his Service as Conductor of Hospital Stores as abovementioned. [*Passed June 19.*]

CHAPTER 56.

ORDER ALLOWING £9 TO EDMUND MOORE.

A PETITION of Edmund Mooers Setting forth That He as a recruiting Officer the last Year inlisted one Joshua Barker, and paid him the Province bounty of nine pounds, but there being no Justice at hand to swear him he went into the service and did duty in Capt Smiths Company throughout the whole Campaign without being first sworn, for which reason Brigadier Ruggles could not in settling with him, think himself justified in allowing said sum. And Praying Relief.

Read and in Answer

Ordered that the Sum of Nine pounds be paid out of the publick Treasury to the Pet^r in consideration of that sum paid by him to Joshua Barker as Bounty money. [*Passed June 19.*]

Legislative
Records of the
Council, xxiv.,
57. Mass.
Archives,
lxxix., 645.
Mass.
Archives,
lxxix., 645.
House Jour-
nal, p. 64.
Province
Laws, xvi., 460,
chap. 245.

CHAPTER 57.

VOTE IMPOWERING ASAEL HARTWELL, GUARDIAN, TO SELL LAND
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Asael Hartwell of Lunenburgh, Guardian to Jeremiah Stiles of said Lunenburgh, a minor of the Age of eighteen Years Setting forth That he hath set off to him of his Fathers Estate about eighteen Acres of land mostly unimproved, and altogether unfit for a Settlement, that it is about half a mile in length and about eighteen Rods wide: that the shares of the other Children lye adjoining, and in the same form; and as some of the Sons are arrived at Age, they are desirous of making settlements provided they could purchase of the other heirs; that the said Jeremiah is desirous his Share should be sold. And Praying that He as Guardian may be impowered to make sale of the said Lot.

Read and

Voted That the prayer of the Petition be so far granted, that the said Asael Hartwell in his said Capacity of Guardian to the said Jeremiah Stiles be hereby authorized and impowered to make sale of the eighteen acres of Land herein mentioned belonging to the said Jeremiah for the most it will fetch, and to make and execute a good deed or deeds in the Law for conveying the same, he first giving caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale with the interest thereon shall be paid to the said Jeremiah Stiles when he shall arrive to the Age of twenty one Years, and in case of his decease before that time, shall be paid to his lawful heirs, and that he observe the direction in the law for the sale of Real Estates by Executors and Administrators. [*Passed June 19.*]

Legislative
Records of the
Council, xxiv.,
58.
House Jour-
nal, p. 65.

CHAPTER 58.

ORDER CONFIRMING A PLAT OF 190 ACRES OF LAND TO THE HEIRS OF JOSEPH BARKER.

House Jour-
nal, p. 41.
Mass.
Archives,
LXXIX., 719.

Mass.
Archives,
LXXIX., 718.
House Jour-
nal, p. 67.
Province
Laws, xvi., 188,
chap. 434; 347,
chap. 331.

A MEMORIAL of *Elizabeth Barker* of *Westfield*, Widow, setting forth, that her Husband had for his Hardships, Sufferings and Wounds, while in his Majesty's Service, a Grant made him by the General Court, of One Hundred and ninety Acres of the unappropriated Land of this Province, which he laid out, as he thought, between *New-Framingham* and *Hoosuck*, at a Place called *Leek-Meadow*; but upon perfecting the Survey of said *New-Framingham*, said *Leek-Meadow* fell within the Limits of said Township; upon which she has made a new Pitch according to a Plan exhibited with her Memorial; and prays this Court to accept and confirm it.

Read and

Ordered that the Plan of one hundred and Ninety Acres of Land herewith presented as surveyed and laid out by John Williams Jun^r be and hereby is accepted and the land therein describ'd be confirmed to the Heirs of Joseph Barker Dec'd and their Assigns. Provided the same do not exceed the quantity of 190 Acres, nor interfere with any former Grant. And is in full satisfaction of the Grant made to said Joseph Barker instead of that heretofore confirmed to him as within mentioned. [*Passed June 19.*]

CHAPTER 59.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF THE DISTRICT OF SOUTH HADLEY TO BE DIVIDED INTO TWO DISTRICTS, ETC.

Legislative
Records of the
Council, xxiv.,
59.

Legislative
Records of the
Council, xxiii.,
650; xxiv., 19,
52. House
Journal, p. 274
(April, 1761);
pp. 26, 60, 64, 70.
Province
Laws, xvi., 694,
chap. 288.

THE COMMITTEE to whom was referred the consideration of the Petition of Eleazer Nash and Phineas Smith of South Hadley respecting the fixing a place for erecting a House for publick Worship in said place, Also the Petition of William Eastman and Phineas Smith of said South Hadley in behalf of a large number of the Inhabitants of said place praying that the report of a Committee of this Court sent in April last to fix a place for the meeting House may be accepted and confirmed, or that South Hadley may be divided into two Districts reported according to order.

Read and Accepted. And

Ordered that the Petitioners William Eastman and Phineas Smith serve the District of South Hadley with a copy of the Petition within mentioned by them signed, by leaving an attested copy thereof with said District Clerk, that they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why said District should not be divided into two Districts, and that the People of said District be in the mean time strictly enjoined to stay all proceedings respecting their erecting a New Meeting house in said District. [*Passed June 20.*]

CHAPTER 60.

VOTE ALLOWING £5 AND £5 ANNUALLY TO ISAAC TORREY.

A PETITION of Isaac Torrey of Seituate in the County of Plymouth Setting forth That being a Soldier in the Pay of the Province, while upon duty at Nova Scotia he received three musket balls from the Enemy, by which he is rendered a Cripple, and never like to be able to get his living, And (acknowledging with gratitude a Grant of Eight pounds made him the last Year) Praying for further relief.

[Read and]

Voted that this petition Be So far Granted as that the Petitioner Isaac Torrey be and is hereby allowed the Sum of five Pounds, and the Same Sum annually to Commence from this Day Untill the further order of this Court on the Account of His Wounds & Sufferings mentioned in his Said Petition, the Same to be Paid out of the Province Treasury. [*Passed June 22.*]

Legislative
Records of the
Council, xxiv.,
60. Mass.
Archives,
lxxix., 717.

Mass.
Archives,
lxxix., 716.
House Jour-
nal, p. 70.
Province
Laws, xvi., 585,
chap. 46.

CHAPTER 61.

ORDER IMPOWERING ISAAC MATHEWS, ADM^s, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Isaac Mathews of Yarmouth, Administrator of the remaining Estate of Ebenezer Hawes late of Yarmouth aforesaid Yeoman deceased Setting forth That the said deceaseds Estate is insolvant, and that the whole of the Real Estate (saving the Widows Dower) has been sold for the payment of his just debts, which falls far short of satisfying the same; and that since the last settlement with the Judge of Probate the Widow of said deceased is dead And Praying that he may be impowered to sell that part of the said Ebenezers Estate, which was assigned to the Widow for Dower, to enable him to go on with the payment of the deceaseds debts.

Read and

Ordered That the Prayer of the within Petition be so far granted, as that the Petitioner in his capacity of Administrator be and hereby is authorized and impowered to make sale of the whole of the remaining Real Estate within mentioned for the most the same will sell for, and to make and execute a good Deed or Deeds of sale in law for conveying the same, he observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Barnstable, that the proceeds arising by said sale be applied to the payment of the just debts of the said deceased the Intestate. [*Passed June 22.*]

Legislative
Records of the
Council, xxiv.,
60.

House Jour-
nal, p. 72.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 62.

ORDER REQUIRING RETURN TO NEEDHAM OF CERTAIN PERSONS AND THEIR ESTATES FORMERLY SET OFF FROM NEEDHAM TO NATICK.

Legislative
Records of the
Council, xxiv.,
62. Mass.
Archives, xiv.,
225.

Mass.
Archives, xiv.,
223–226. House
Journal,
pp. 77, 78.
Province
Laws, xliii., 332,
chap. 244; xvi.,
725, chap. 360.

THE COMMITTEE appointed 8th April on the Petitions of Thomas Sawyer and Joseph Peabody a Committee from Natick, and of Amos Fuller and others Selectmen of Needham, made the following Report viz:

The Committee to whom was referred the within have repaired to Natick, fully heard the Petitioners and the Respondents, beg leave to report as follows That *AD* 1743 a number of the Respondents then living in needham in the County of Suffolk were set off from needham to Natick in the County of middlesex; Needham then being against parting with them, and natick against receiving them; that the pretence of the Respondents in desiring to be set off was, their being much nearer to the meeting House in natick, and their desire to attend the publick worship of God there; but they soon discovered another sentiment viz^t that of removing the meeting house very far from the Indians and nearer to themselves, which early introduced an unhappy contention in said Parish and which has continued ever since, and we have the melloncholly prospect of its being continued so long as they remain as a part of said Natick. The Committee would further observe, that the Respondents do not attend the Publick worship of God at Natick, and therefore frustrate the very design of the General Court in their being set off to Natick, and the Committee are unanimously of opinion, that the Peace of Natick makes it necessary that they return to needham again, and therefore report that the several Inhabitants of Natick with their Estates, which by the order of the General Court in 1743 were set off from needham to Natick be returned to the Town of Needham in the County of Suffolk there to do duty and receive priviledge any thing in the order aforesaid, Notwithstanding. And with respect to the removing the meeting house in Natick, the Committee beg leave to say, that althô by a Vote of the Inhabitants for removing the same, there has been some appearance of accomodation, yet as it was that on the morning of the same day, the Committee of the General Court appointed to hear the Parties in Natick aforesaid a meeting of the said Parish was held, and the Vote with respect to the removing the said House reconsidered. This having put an end to the forementioned prospect of accomodation, the Committee see no reason why the House at present should be removed from the place where it now stands,

(Signed)

BENJ^A LINCOLN p order

Read & accepted, And

Ordered That the several Persons & Estates which by the order of the General Court were in 1743 set off from the Town of Needham to Natick be returned to the Town of Needham in the County of Suffolk there to do duty and receive Priviledge in like manner as before the said Order passed any thing therein to the contrary notwithstanding. [*Passed June 23.*]

CHAPTER 63.

ORDER ALLOWING £12 TO JON^A OSBORNE.

A PETITION of Jonathan Osborne of Boston Setting forth That He was appointed Surgeons mate of the first Batallion of Brigadier Ruggles's Regiment, and faithfully discharged the duty of said Office. That on the 30th of September Doctor Williams the Chief Surgeon died, whereupon the whole of said regiment devolved upon him, and he alone acted as Surgeon to said Battalion to 11th January following; but that the muster Roll being made up before he returned he is made up only as Surgeons mate. And Praying a further Allowance.

Read and

Ordered that the Sum of twelve pounds be paid out of the publick Treasury to the Pet^r in full consideration for his Services mentioned. [*Passed June 23.*]

Legislative
Records of the
Council, xxiv.,
64. Mass.
Archives,
lxxix., 559.

Mass.
Archives,
lxxix., 558.
House Jour-
nal, pp. 64, 76.

CHAPTER 64.

VOTE ALLOWING £30. 2. 11 TO JON^A PREBBLE.

A PETITION of Jonathan Prebble of George Town Setting forth That in the Year 1758 his son Ebenezer Prebble and his Wife were killed by the Indians and five of their Children captivated by the same barbarous Enemy. That in the Year 1759 M^r Alexander Campbell meeting with two of said Children in Canada redeemed them for the sum of Thirty pounds two shillings and eleven pence, which sum the Petitioner (tho' very ill able) has since repaid. And Praying the compassionate consideration of the Court.

[Read and]

Voted that the Prayer of the Petition be granted & that the sum of Thirty pounds two shillings & Eleven pence be paid out of the Publick Treasury to Jonathan Preble in full satisfaction for what he paid for y^e redemption of the two children as sett forth in y^e Petition The said Sum to be paid to James Noble Esq^r. [*Passed June 23.*]

Legislative
Records of the
Council, xxiv.,
65. Mass.
Archives,
lxxix., 559.

Mass.
Archives,
lxxix., 508.
House Jour-
nal, p. 78.

CHAPTER 65.

ORDER ALLOWING £5 TO JOHN BLISH, ADM^R.

A PETITION of John Blish of Barnstable Administrator of the Estate of his Brother Reuben Blish late of said Barnstable deceased Setting forth That said Reuben was a Soldier in the Pay of the Province and tarried over the Winter 1760. and until the 5 August 1760. and then died. And Praying that he may have the benefit of an order of Court allowing Five pounds to such Soldiers as tarried till the first of September the said Reubens dying some short time before Notwithstanding.

Read and

Legislative
Records of the
Council, xxiv.,
65. Mass.
Archives,
lxxix., 715.

Mass.
Archives,
lxxix., 715.
House Jour-
nal, p. 77.
Province
Laws, xvi., 460,
chap. 245.

Ordered that the sum of five pounds be paid out of the publick Treasury to the Pet^r for the Use of the Widow of the within named Reuben Blish in full. [*Passed June 23.*]

CHAPTER 66.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
72. Mass.
Archives,
lxxix., 780.
Mass.
Archives,
lxxviii., 102;
lxxix., 24, 405,
427, 465, 574, 582,
604, 630, 657, 729,
730, 733, 734, 735,
736, 737, 738, 739,
743, 751, 752, 778.
House Jour-
nal, pp. 70, 71.

THE FOLLOWING VOTES passed upon Pet^{rs} of sick and wounded Soldiers. Viz That there be paid out of the publick Treasury

To Mr Henry Herrick	£8. 10.	for Nath ^l Bootman in full
To Edward Hartwell Esq ^r	1. 4. 0	for Peter Houghton in full
To Cap ^t Ezra Taylor	8. 0. 0	for Nathan Brigham in full
To James Williams Esq ^r	5. 9. 0	for Ruth Keith in full
To William Read Esq	5. 0. 0	for Jeremiah Andrews in full
To m ^r Nathaniel Nelson	8. 10. 0	for the Selectmen of Mendon in full
To m ^r Ezra Green	1. 12. 0	for Ezra Pratt in full
To m ^r Solomon Prentice	1. 0. 6	for Constantine Hardy in full
To Col ^o Samuel Waldo	10. 7. 8	for John Warren in full
To Benj ^a Chadburn Esq ^r	1. 4. 0	for Ephraim Joy in full
To Doct ^r Tho ^s Porter	2. 0. 0	for Mary Peters in full
To Do ^o	2. 10. 0	for Esther Trask in full
To Cap ^t Brigs Aldin	8. 14. 8	for Ezekiel Soule in full
To Cap ^t Enoch Kidder	9. 8. 8	for the Petitioners in full
To Elizabeth Hunt	3. 4. 0	in full
To m ^r Joseph Herrod	4. 0. 0	for Betty Reed in full
To m ^r Stephen Fuller	1. 9. 4	for Henry Tolman in full
To m ^r Fellows Billings	3. 0. 0	for Alph ^l Stebbins in full
To Col ^o W ^m Lawrance	2. 0. 0	for Joseph Wilson in full
To m ^r Fellows Billings	1. 11. 0	for Zebadiah Smith in full
To Col ^o Tho ^s Gilbert	5. 0. 0	for Mary Briggs in full
To Col ^o W ^m Lawrance	4. 0. 0	for William Simonds in full
To m ^r James Humphrys	5. 0. 0	for Loring White in full
To m ^r Noah Sabin	9. 5. 0	for Amos Read in full
To m ^r Henry Gardner	1. 5. 6	for Amos Gates in full
To Eliphalet Pond Esq ^r	6. 10. 0	for Peter Thorp in full
To Josiah Dwight Esq ^r	1. 13. 5	James Morgan in full

[*Passed June 23.*]

CHAPTER 67.

ORDER IMPOWERING AARON BARTLETT, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
66.
House Jour-
nal, pp. 67, 68.

A PETITION of Aaron Bartlett of Brookfield, Guardian of Charles Rice a minor of about 3 Years of age, son of Charles Rice late of Brookfield deceased Setting forth That the said Charles left but forty five shillings personal Estate, and that his Real Estate consists of One hundred Acres of Wilderness Land in said Brookfield, yeilding no profit, that the said minor is the posthumous Child of the said Charles deceased and hath no other Estate, out of which the past or future charge of his Support and Education can be defreyed. And Praying leave to sell the said Estate, he to be accountable Read and

Ordered That the Prayer of this Petition be granted: and that the Petitioner be and he hereby is impowred to make Sale of the Lands within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds for conveying the premisses to such person or persons as shall purchase the

¹ Legislative Records of the Council, xxiv., 72, reads, "Asaph."

same he first giving proper caution to the Judge of Probate for the County of Worcester for the paying the debts and charges within mentioned and to render a true account thereof, and to pay the ballance thereof when legally called thereto. [*Passed June 24.*]

CHAPTER 68.

ORDER GRANTING £372.10 TO REBUILD PROVINCE COACHHOUSE AND STABLES.

In the House of Representatives

Ordered That the sum of Three hundred seventy two pounds ten shillings be granted out of the Publick Treasury in order to rebuild the Coach House and Stables belonging to the Province House with Brick. And that Col^o Phillips and M^r Cushing with such as the honourable Board shall join be a Committee to cause the work to be effected as soon as may be,

In Council Read and Concurred and James Bowdoin & Thomas Hubbard Esq^{rs} are joined in the Affair. [*Passed June 24.*]

Legislative
Records of the
Council, xxiv.,
67.

House Jour-
nal, pp. 64, 69,
78.

CHAPTER 69.

ORDER FOR THE TRANSFER OF APPROPRIATION.

Ordered That a Transfer of £25 be made from the Appropriation of Grants to the Appropriation for the payment of Bayonets. [*Passed June 24.*]

Legislative
Records of the
Council, xxiv.,
67.

House Jour-
nal, p. 80.
Province
Laws, iv., 161,
chap. 4.

CHAPTER 70.

ORDERS AGAINST ISAAC WYMAN, SETH HUDSON AND OTHERS.

THE COMMITTEE appointed to consider the Affair of Cap^t Isaac Wyman, Seth Hudson and Others made report according to order. Read and Accepted, And thereupon

Ordered That Seth Hudson, Jabez Warren Sen^r and Silas Pratt forthwith pay the Province Treasurer for the use of the Province the sums respectively due from them viz^t Seth Hudson the sum of £26.4.1 Jabez Warren Sen^r £13.12.2 and Silas Pratt £13.12.2 and in case they or either of them neglect so to do, that the Treasurer be and he hereby is impowered and directed to sue them at common Law for the recovery of the Sums due from them respectively. Also

Ordered That the Treasurer make no further payment upon Cap^t Wymans Roll mentioned in the Report of the Committee, and that the money due to Gad Chapin upon his Pay and billeting Roll viz^t £6.12. be paid to him, and that said Roll be stopped. [*Passed June 24.*]

Legislative
Records of the
Council, xxiv.,
68.

Legislative
Records of the
Council, xxiii.,
668, 673, 708.
House Jour-
nal, pp. 303, 306,
312, 352 (April,
1760-1); pp. 35,
36, 79. Prov-
ince Laws,
xvi., 679, chap.
243.

CHAPTER 71.

ORDER IMPOWERING JABEZ SNOW, EXECUTOR, TO SELL TWO THIRDS OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
68.

House Jour-
nal, p. 72.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Jabez Snow of Eastham, Executor of the last Will and Testament of Jabez Snow late of Eastham aforesaid Gentleman deceased Setting forth That the whole of the said deceaseds Estate both real and Personal is insufficient (after the Widows Thirds are deducted) to pay his just debts: and as it will be near a Year before the Superior Court will sit in the County of Barnstable Praying leave to sell the whole of the said deceaseds Real Estate (reserving the Widows Dower therein) to enable him to pay the deceaseds just debts, so far as the Nett proceeds thereof will pay.

Read and

Ordered That the Prayer of the within Petition be so far granted as that the Petitioner in his capacity of Executor be, and he hereby is empowered to make sale of two thirds of the Real Estate within mentioned for the most the same will sell for, and to make and execute a good deed or deeds of sale in the Law for conveying the same, he observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Barnstable that the proceeds arising by said Sale be applied to the payment of the just debts of the said deceased, the other third being reserved for the Widows thirds during her natural life. [*Passed June 24.*]

CHAPTER 72.

ORDER ALLOWING £1. 16 TO WM LAWRENCE.

Legislative
Records of the
Council, xxiv.,
69. Mass.
Archives,
lxxix., 345.

Mass.
Archives,
lxxix., 344.
House Jour-
nal, p. 80.

A PETITION of William Lawrence of Weston Setting forth That his son William was a private Soldier in the Pay of the Province in 1760, and being sick at Crown Point was dismissed as an Invalid, and by the Assistance of his Fellow Soldiers got to within about 30 Miles of N^o 4. when he was so weak he was obliged to hire a Horse to bring him home. And Praying an allowance therefor and for the charge of his nursing.

Read and

Ordered that the Sum of One pound Sixteen shillings be paid out of the publick Treasury to Elisha Jones Esq^r for the Use of the Pet^r in full. [*Passed June 24.*]

CHAPTER 73.

ORDER ALLOWING £2. 14. 4 TO EPH^m PARKS.

Legislative
Records of the
Council, xxiv.,
69. Mass.
Archives,
lxxix., 569.

A PETITION of Ephraim Parks of Lincoln Setting forth That his Son John inlisted as a Soldier in the Pay of the Province in 1760, and being taken sick at Crown Point was put into the Hospital, which the Petitioner hearing of, went out to bring him home,

and was gone 18, days. And Praying an Allowance for his said Journey and for what he paid the Doctor.

Read and

Ordered that the Sum of two pounds fourteen Shillings and four pence be paid out of the publick Treasury to Elisha Jones Esq^r for the Use of the Pet^r in full. [*Passed June 24.*]

Mass.
Archives,
lxxix., 568.
House Journal,
p. 80.

CHAPTER 74.

VOTE APPOINTING A COLLECTOR OF EXCISE FOR BERKSHIRE COUNTY.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of a Collector of Excise on spirituous Liquors &c^a for the County of Berkshire, when Cap^t Stephen Dewey was chosen by a major vote of the Council and House of Representatives. [*Passed June 25.*]

Legislative
Records of the
Council, xxiv.,
70.

Legislative
Records of the
Council, xxiv.,
64. House
Journal, pp. 77,
78, 82. Prov-
ince Laws, iv.,
432, chap. 33.

CHAPTER 75.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF THE SELECTMEN OF WESTBOROUGH IN REGARD TO A HIGHWAY.

THE COMMITTEE appointed on the Petition of the Selectmen of Westborough, and the answer thereto by Jonathan Livermore and others reported as their opinion that the same be referred to the next Session and that all proceedings respecting the High way be suspended in the meantime. (Signed) SAM^l WATTS *per* Order

Read and Accepted. And

Ordered that the consideration of this Petition with the Answer thereto be referred to the second Thursday of the next Sitting of this Court, and that all Proceedings respecting the High way in said Petition mentioned be suspended in the mean time. [*Passed June 26.*]

Legislative
Records of the
Council, xxiv.,
71.

House Journal,
pp. 36, 85.
Province
Laws, xvi., 749,
chap. 425.

CHAPTER 76.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING VOTES passd upon the Petitions of Sick and wounded Soldiers Viz That there be allowed and paid out of the publick Treasury

To Benj^a Newhall Esq^r £3 for John Wait in full

To Sam^l Phillips Esq^r 2.4.6^d for James Frye Jun^r in full

To Jedidiah Foster Esq^r £3.17 for the Use of Dorothy Hinchey in full

To M^r Noah Sabin two pounds seven Shillings for the Use of Rebecca Worster in full

To Sam^l Phillips Esq^r two pounds twelve shillings and Six pence for the Use of Jonathan Parker in full. [*Passed June 26.*]

Legislative
Records of the
Council, xxiv.,
73. Mass.
Archives,
lxxix., 781.

Mass.
Archives,
lxxix., 570, 609,
615, 720, 721.
House Journal,
p. 85.

CHAPTER 77.

VOTE IMPOWERING HOPESTILL FOSTER, GUARDIAN, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiv.,
73.

House Jour-
nal, pp. 82, 83.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hopestill Foster of Boston, Guardian of Ann Foster and Zebiah Foster Minors and Children of Edward Foster deceased Setting forth That the said minors are interested in a certain Wooden house and Land situate in Milk Street in said Boston; that said House is old and in a ruinous condition, and takes the greatest part of the Rent to keep it in repair, And as he apprehends it would be for the Interest of the minors to have said Estate sold Praying that he may be enabled to make sale of the same accordingly.

[Read and]

Voted That the Prayer of this Petition be granted; and that the Petitioner be and hereby is authorised and impowered in his said Capacity of Guardian to make Sale of the House and Land mentioned for the most the same will fetch, and to execute a good and sufficient deed of Conveyance thereof, he observing the direction of the Law with respect to the Sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Suffolk to account for the proceeds of such Sale agreeable to the directions of the Law. [*Passed June 26.*]

CHAPTER 78.

VOTE IMPOWERING ABIGAIL LITTLE, GUARDIAN, TO SELL LANDS.

Legislative
Records of the
Council, xxiv.,
76.

House Jour-
nal, p. 83.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abigail Little Widow and relict of Isaac Little Esq^r late of Pembroke deceased, and Guardian to her son Lemuel Little Setting forth That the Estate given to the said Lemuel is charged with sundry debts, that her said Son is almost blind, and that she must be obliged to part with a negro man who is the chief support of her Family, unless she can sell some part of the Real Estate. And Praying leave to make sale of about one hundred and twenty Acres of Outland in said Pembroke which was given to her son on account of his blindness, in order to defrey (so far as the proceeds will enable her) the debts aforesaid,

[Read and]

Voted That the Prayer of this Petition be granted, and that the Petitioner be and hereby is Authorized and impowered in her said capacity of Guardian to make sale of the Lands mentioned for the most the same will fetch, and to execute a good and sufficient deed or deeds of conveyance thereof, She observing the direction of the Law with respect to the Sale of Real Estates by Executors and Administrators, and giving caution to the Judge of Probate for the County of Plymouth to account for the proceeds of such Sale agreeable to the directions of the Law. [*Passed June 27.*]

CHAPTER 79.

VOTE IMPOWERING JOS. SHEPARD, KEZIA HIS WIFE, JOSIAH MAN AND THOMAS MAN, GUARDIANS, TO SELL REAL ESTATE.

A PETITION of Joseph Shepard with Kezia his Wife and Josiah Man and Thomas Man all of Wrentham Guardians of Jonathan Man, (a Mute and Noncompos) and of Kezia Man, Mary Man and Betty Man, Minors, Children and heirs of Beriah Man Tanner, late of Wrentham deceased Setting forth That said deceaseds Estate did consist of a Dwelling house, Tan House, Tan yard, Land &c^a part whereof hath already been sold by order of this Court; and that they and the Parties concerned judge it would be for their advantage to have the remainder sold. And Praying that they may be enabled to sell the same accordingly.

[Read and]

Voted That the Prayer of this Petition be granted; and that the Petitioners be and hereby are authorized and impowered in their said capacity of Guardians to make sale of the House and Lands mentioned in the Petition for the most the same will fetch, and to execute a good deed or deeds of conveyance thereof, they observing the direction of the Law with respect to the sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Suffolk to account for the Proceeds of such Sale agreeable to the directions of the Law. [*Passed June 27.*]

Legislative
Records of the
Council, xxiv.,
76.

House Jour-
nal, p. 83.
Province
Laws, ii., 151,
chap. 10; xvi.,
25, chap. 47.

CHAPTER 80.

ORDER ALLOWING £8 TO SAM^L GREEN.

A PETITION of Samuel Green Setting forth That he was taken by the Enemy in the Province Snow Prince of Wales, and carried to France, where he was confined three months in Goal, suffering great hardships in his Captivity. And Praying an Allowance.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Sufferings within mentioned. [*Passed June 29.*]

Legislative
Records of the
Council, xxiv.,
77. Mass.
Archives,
lxvi., 156.

Mass.
Archives,
lxvi., 155.
House Jour-
nal, p. 87.

CHAPTER 81.

VOTE NOTIFYING PERSONS TO SEND NAMES OF RELATIVES OR FRIENDS CAPTIVE IN CANADA OR LOUISIANA, TO THE PROVINCE SECRETARY.

Voted, That, all persons belonging to this Province, who have any Relations or Friends now remaining in the hands of the French, or in Captivity with the Indians, in the Countries of Canada & Louisiana, are hereby notified (if they see cause) to return a List of the names of such Captives into the Secretary's office on or before the first day of September next, particularly setting forth in said List,

Legislative
Records of the
Council, xxiv.,
77. Mass.
Archives,
lxxix., 782.

Legislative
Records of the
Council, xxiv.,

9, 26. House
Journal, pp. 81,
87.

their Sex, Age, times and places of being Captivated and any other circumstances, which they know relating to said Captives. [*Passed June 29.*]

CHAPTER 82.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF CUMBERLAND
AND ALLOWING £1. 9. 8 FOR THE EXPENSE THEREOF.

Mass.
Archives, cxx.,
389.

House Jour-
nal, p. 30.
Province
Laws, xvi., 690,
chap. 277.

THE COMMITTEE appointed by the General Court to Farm out the Excise on Tea, Coffee & China Ware in the County of Cumberland the Currant Year. after giving Publick Notice, attended that Service in Falmouth. in said County the Seventh day of May last, Farm'd out Said Excise to Mr Ebenezer Mayo. for Fifty Seven Pounds & taken his Bond. with Two Suretys. payable to Harrison Gray Esq^r. Province Treasurer. & have Deliver'd the Bond to Said Province Treasurer

SAM WALDO
JER POWELL

Read and

Ordered that this report be accepted and that the sum of One pound Nine Shill^{ss} and eight pence be paid out of the Publick Treasury to the Comm^{ee} for their time and expence in this affair. [*Passed June 30.*]

CHAPTER 83.

RESOLVE DESIRING THE GOVERNOR TO ISSUE A PROCLAMATION
OFFERING A REWARD FOR THE APPREHENSION OF PERSONS
GUILTY OF PARTICIPATION IN THE LATE RIOTS, DISORDERS, ETC.

Legislative
Records of the
Council, xxiv.,
77. Mass.
Archives,
lxxxviii., 172.

Mass.
Archives,
lxxxviii., 171-
174. Legisla-
tive Records of
the Council,
xxiv., 70.
House Jour-
nal, pp. 84, 87,
88. Commis-
sions and Proc-
lamations,
1756–1767, p. 214.

THE COM^tTEE appointed to consider the within affair [Legislative Records of the Council, xxiv., 70] begg leave to report that they apprehend, the late disorders in the night time, committed in diverse Towns within this Province, by breaking meeting house windows, and driving Stones and Bricks, into the windows of the dwelling houses of sundry Persons, thereby greatly endangering the Lives of the inhabitants, besides y^e injury done to such buildings, are in contempt of the good Laws of this Province, and in some instances, especially, the Laws making Provision for the due observation of the Lords day and with a manifest design to discourage officers from a faithful discharge of the Trusts reposed in them

Therefore the Com^ttee humbly propose his Excel^{cy} the Governor be desired forthwith to Issue a Proclimation in the Name of this Government, calling upon officers and all others to exert themselves in preventing and suppressing all riots insolencies and disorders of so mischeivous consequences; and, for the better discovering and detecting such offenders promising a reward of Ten Pounds to any & every Person who shall inform of and discover such offender or offenders, as have or shall be guilty of the afores^d offences, and that shall upon trial be duly convicted thereof

which is humbly submitted

Is^t WILLIAMS p order

Read and Accepted. And

Resolved That the Governor be desired forthwith to issue a Proclamation calling upon Officers and all Others to exert themselves in preventing and suppressing all riots insolencies and disorders of such mischievous consequence. and for the better discovering and detecting such Offenders promising a Reward of Ten pounds to any and every Person who shall inform of and discover such Offender or Offenders who have or shall be guilty of the aforesaid Offences, and that shall upon trial be duly convict thereof. [*Passed June 30.*]

CHAPTER 84.

ORDER ALLOWING £3 TO HENRY RICHMOND.

A PETITION of Henry Richmond of Middleborough Setting forth that he enlisted into the Service in the Year 1760, and was ordered into the Batteau Service and received no Gun; but that in making up the Muster Roll he is charged Three pounds for not returning a Gun, And Praying an Allowance.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Col^o Thomas Gilbert for the Use of the Pet^r in full. [*Passed June 30.*]

Legislative
Records of the
Council, xxiv.,
75. Mass.
Archives,
lxxix., 713.

Mass.
Archives,
lxxix., 713.
House Jour-
nal, p. 89.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 85.

ORDER ALLOWING £2.9 TO JARVIS RING.

A PETITION of Jarvis Ring a Soldier in the Pay of the Province in Col^o Bagleys Regiment posted at Louisbourg Praying an allowance of certain expences incurred by reason of Sickness.

[Read and]

Ordered that the Sum of two pounds Nine Shillings be paid to Caleb Cushing Esq^r for the Use of the Pet^r in full. [*Passed July 2.*]

Legislative
Records of the
Council, xxiv.,
81. Mass.
Archives,
lxxix., 742.

Mass.
Archives,
lxxix., 741.
House Jour-
nal, p. 91.

CHAPTER 86.

ORDER ALLOWING £1.4 TO JOHN JENKS.

A PETITION of John Jenks of Medford Praying an allowance of sundry expences incurred on account of the Sickness of his Apprentice Adam Hawks, who returned sick from the Army.

[Read and]

Ordered that the sum of One Pound four Shillings be paid out of the publick Treasury to Stephen Hall Esq^r for the Use of the Pet^r in full. [*Passed July 2.*]

Legislative
Records of the
Council, xxiv.,
82. Mass.
Archives,
lxxix., 669.

House Jour-
nal, p. 91.

CHAPTER 87.

ORDER ALLOWING £1.4 TO WM MERRY.

Legislative
Records of the
Council, xxiv.,
82. Mass.
Archives,
lxxix, 705.

Mass.
Archives,
lxxix., 705.
House Jour-
nal, p. 91.

A PETITION of William Merry of Norton Setting forth That he was a Soldier in the Pay of the Province in Col^o Gilberts Regiment in 1755, that he was taken by the Indians and remaining in captivity four Years, could not apply in season for the four Dollars then allowed the Soldiers for billeting themselves on their return. And Praying an allowance of the same.

Read and

Ordered that the sum of one pound four Shillings be paid out of the publick Treasury to Col^o Thomas Gilbert for the Use of the Pet^r in full. [*Passed July 2.*]

Legislative
Records of the
Council, xxiv.,
83.

House Jour-
nal, p. 92.
Province
Laws, iv., 460,
chap. 4.

CHAPTER 88.

ORDER FOR THE TRANSFER OF APPROPRIATION.

Ordered That the sum of Twenty four pounds eight shillings be transferred from the Appropriation for canada to the appropriation for the Alarm in 1757. [*Passed July 3.*]

CHAPTER 89.

RESOLVE ALLOWING £20 TO SAMUEL HARNDEN TO RECOVER CAPTIVES IN CANADA.

Mass.
Archives,
lxxx., 218.

Mass.
Archives,
xxxviii., 330-
334; lxxix., 708-
711. Executive
Records of the
Council, xv.,
21. House
Journal, pp. 71,
72, 89. *Ante*,
p. 37, chap. 81.

A MEMORIAL of Samuel Harnden, proposing to go to Canada by the way of the Kennebeck River in order to recover the ten Captives mentioned in the Petition¹

Read &

Resolved that y^e Petitioner be allowed & paid out of the Province Treasury the Sum of Twenty Pounds, to enable him to proceed in his Journey for the Purposes ment^d in y^e Petition, he to be accountable to this Court for the Disposition of said Money. [*Passed July 3.*²]

CHAPTER 90.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiv.,
83.

WHEREAS two of the Justices of the Inferior Court of common Pleas, and Others Justices of the General Sessions of the Peace which by law are to be held at Plymouth in the County of Plym-

¹ See Mass. Archives, lxxix., 708.

² This date is according to the original draft in Mass. Archives, lxxix., 711; the resolve is printed from the copy of the original, — Mass. Archives, lxxx., 218, — which gives the final date June 30.

outh on the first Tuesday of this Instant are Members of this Court, and the important Affairs of the Province requires their attendance thereon.

Wherefore

Ordered That the said Courts be and hereby are adjourned to the third Tuesday of July current: and that all matters and things that might have had day at said Courts on said first Tuesday of July current shall have day, and be heard and proceeded on upon the said third Tuesday of July current, in like manner as if there had been no adjournment of said Court. [*Passed July 3.*]

House Journal, pp. 92, 93.
Province Laws, iv., 165, chap. 7.

CHAPTER 91.

ORDER ALLOWING £4. 14. 8 TO BENJ^A SAWYER.

A PETITION of Benjamin Sawyer of Rowley, a Soldier in the Pay of the Province Praying an allowance of sundry expences incurred on account of his Sickness, having had the Small pox while in the Service.

Read and

Ordered that the sum of four pounds fourteen Shillings and eight pence be paid out of the publick Treasury to Joseph Gerrish Esq^r for the Use of the Pet^r in full. [*Passed July 7.*]

Legislative Records of the Council, xxiv., 85. Mass. Archives, lxxix., 763.

Mass. Archives, lxxix., 763. House Journal, pp. 95, 94.

CHAPTER 92.

ORDER ALLOWING £5 TO GEO: LESSLEY.

A PETITION of George Lessley Setting forth That his son John Lessley a Soldier in the Pay of the Province, having broke his Shoulder on his Return home, took the advantage of a Wagon going to Windsor in the Colony of Connecticut to carry him thither, where he was seized with the Small pox and died, and that the Petitioner hath since been obliged to pay the Selectmen of said Town the expence occasioned by his Sickness. And Praying an allowance.

Read and

Ordered that the sum of five pounds be paid out of the publick Treasury to William Lawrence Esq^r for the Use of the Pet^r in full. [*Passed July 7.*]

Legislative Records of the Council, xxiv., 85. Mass. Archives, lxxix., 757.

Mass. Archives, lxxix., 757. House Journal, p. 95.

CHAPTER 93.

ORDERS ALLOWING £3 EACH TO RICE HACKETT, JAMES HERBERT AND ISRAEL CURRIER.

A PETITION of Rice Hacket, James Harbert and Israel Currier Setting forth That said Rice Hacket, and Samuel Harbert Son of said James Harbert, and Samuel Currier son of said Israel Currier were Soldiers in Col^o Willards Regiment in the Pay of the

Legislative Records of the Council, xxiv., 86. Mass. Archives, lxxix., 671, 672.

Mass.
Archives,
lxxix., 670.
House Jour-
nal, pp. 84, 91.
Province
Laws, xvi., 247,
chap. 89.

Province, and that Three pounds were stopped out of each of their Wages on account of their Guns, altho said Guns were returned And Praying an allowance.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Caleb Cushing Esq' for the Use of Rise Hacket in full for the Stoppage of his Gun

Read and

Ordered that the sum of three pounds be paid out of the publick Treasury to Caleb Cushing Esq' for the Use of James Herbert and the like sum for the Use of Israel Currier in full Satisfaction for the Stoppage within mentioned. [*Passed July 7.*]

CHAPTER 94.

VOTE DIRECTING THE SELECTMEN OF ANDOVER TO TAKE CARE OF JOHN BEVERLY.

Legislative
Records of the
Council, xxiv.,
87. Mass.
Archives,
lxxix., 766.

House Jour-
nal, pp. 94, 95a.

In the House of Representatives

Whereas it appears to this House that John Beverly of Andover, a minor, was a Soldier in the late Expedition to Canada in Captain William Barron's Company in the Year, 1760; and that upon his Return Home was lost in the Woods, by which his Feet were so frozen, that he has lost both his Feet, and is intirely incapable at present of taking Care of himself; and his Master Isaac Blunt of Andover to whom said Beverly some Years ago was put an apprentice by the Selectmen of Andover, refuses to take any Care of him; and that Captain William Barrons has drawn the said Minor's Wages:

Therefore,

Voted, That the Selectmen of Andover be directed and empowered to take immediate Care of the said John Beverly a Cripple, and demand and receive his Wages of the said Captain Barrons; and take Care to provide some suitable Place for said Beverly, that he may be learnt the Taylor's Trade; at which Calling he may be serviceable: And the said Select men, if the Wages due are not sufficient to fit said Beverly as an apprentice, and to prevail with some suitable Person to take him and become oblig'd to learn him the Trade, they are to make Application to this Court for such further Sum as may appear needful for that Purpose: And that no Sum be settled on said Beverly as a Pensioner 'till he comes of Age.

In Council. Read and Concurred. [*Passed July 9.*]

CHAPTER 95.

ORDER ALLOWING 40/ TO JOEL CROSBY.

Legislative
Records of the
Council, xxiv.,
88. Mass.
Archives,
lxxix., 783.

A PETITION of Joel Crosby Setting forth That he was a Soldier in the Pay of the Province in Col^o Nichols's Regiment in 1758; and was then taken captive whereby he lost his Gun. And Praying an Allowance.

Read and

Ordered that the Sum of forty Shillings be paid out of the publick Treasury to Cap^t Jonas Prescot for the Use of the Pet^r for the Loss of His Gun in full. [*Passed July 9.*]

Mass.
Archives,
lxxix., 783.
House Jour-
nal, p. 98.

CHAPTER 96.

ORDER DIRECTING THE DISPOSITION OF CERTAIN FRENCH NEUTRALS.

A REPORT of the Committee appointed to distribute the late French Inhabitants of Nova Scotia in the County of Worcester, who were impowered in April last upon the Petition of the Selectmen of Mendon, at the charge of said Petitioners to apportion them anew if they saw cause.

(Signed) TIM^o PAINE *per* order

Legislative
Records of the
Council, xxiv.,
89.

House Jour-
nal, p. 98.
Province
Laws, xvi., 760,
chap. 452.

Read and

Ordered That Sarah and Eunice Judore belong to, and be accounted as part of Mendons proportion. And that Charles Belleive and Eunice Belleive belong to the Towns of Upton and Douglass, and to be supported by them in the following proportion viz^t Upton two-thirds, and Douglass one third. [*Passed July 9.*]

CHAPTER 97.

VOTE GRANTING ADDITIONAL ALLOWANCES TO RECRUITING OFFICERS AND TO MEN INLISTING AND EXTENDING THE TIME THEREFOR TO AUGUST 30 (1761).

Voted That each Soldier that shall after this time voluntarily inlist into the service of this Province in the present Expedition under the Command of General Amherst, or other his Majesty's Commander in Chief for the time being in North America to compleat the number of three thousand men, including Officers shall over and above what is already granted by way of encouragement at the time of making up the Pay Roll be intitled to and receive six weeks pay prior to the date of their respective Inlistments, and the Captains are directed to make them up accordingly.

That there be allowed and paid to the several recruiting Officers over and above what has before been allowed for such service three shillings for each of said Men that shall hereafter inlist and pass Muster, and be paid in the same manner as the three shillings before granted.

That the time for inlisting Soldiers for the service above, which now stands limited to the fifteenth day of July Instant, be prolonged and continued 'till the last day of August next. [*Passed July 10.*]

Legislative
Records of the
Council, xxiv.,
90.

Legislative
Records of the
Council, xxiv.,
80. House
Journal,
pp. 100, 101.
Ante, p. 10,
chap. 10.

CHAPTER 98.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO FURTHER ADVANCE £40, MAKING THE VALUE OF THE REGIMENTAL MEDICINE CHESTS, ETC., FOR EACH REGIMENT £100.

Legislative
Records of the
Council, xxiv.,
90.

House Jour-
nal, pp. 106, 107.
Province
Laws, xvi., 730,
chap. 374.

WHEREAS on the 10th of April last a Vote passed directing the Commissary Geneneral¹ to provide a Doctors Chest not exceeding Sixty pounds in value for each Regiment of the Forces to be raised by this Government the present Year, which sum is insufficient for the purpose.

Therefore

Resolved That the Commissary General be directed to advance the further sum of forty pounds making in the whole One hundred pounds for each Regiment, for medicine Chests &c^a to be put up in such manner as the commanding Officer of each Regiment shall direct. [*Passed July 10.*]

CHAPTER 99.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS CLERKS UPON THE VALUATION OF ESTATES IN THE PROVINCE.

Legislative
Records of the
Council, xxiv.,
91.

House Jour-
nal, pp. 29, 106.

Voted That the following sums be granted out of the Publick Treasury for the persons employed as Clerks to the Committee upon the Valuation viz^t

To Dudson Kilcup	£10. 13. 4.
To Abraham Savage	16. 2.
To John Furnace	6. 9.
To Samuel Adams	9. 17.
To Joseph Carnes	3. 19.
To William Cooper	16. 7.
To Arthur Savage	1. 3.
To Saunderson West	7. 18.
To John Edwards	4. 9.

Voted also That forty shillings be allowed to Jeremy Powell Esq^r for his service in the keeping the Rolls. [*Passed July 10.*]

CHAPTER 100.

ORDER ALLOWING £2.2 TO AARON NEWTON.

Legislative
Records of the
Council, xxiv.,
91. Mass.
Archives,
lxxix., 707.

Mass.
Archives,
lxxix., 706.
House Jour-
nal, p. 103.

A PETITION of Aaron Newton of Shrewsbury Setting forth That his servant William Barrack inlisted as a Soldier in the Pay of the Province in 1758, that the Petitioner furnished him with a Gun which was lost in the Action at Ticonderoga and praying an Allowance.

Read and

Ordered that the sum of two pounds two Shillings be paid out of the publick Treasury to Artemas Ward Esq^r for the Use of the Pet^r in full. [*Passed July 10.*]

CHAPTER 101.

ORDER ALLOWING £27.2 TO JN^o ROUNDY.

A PETITION of John Roundy of Beverly Setting forth That he received a Commission as Ensign in Col^o Fry's late Regiment, and was afterwards ordered to Louisbourg where he did duty in Col^o Bagleys Regiment to 1 November when he was regularly discharged: but that Cap^t Hanners in whose Company he served did not make him up in his Roll. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
91.

House Jour-
nal, pp. 98, 99.

Read and

Ordered That the sum of twenty seven pounds two shillings be paid out of the Publick Treasury to the Petitioner in full consideration for his services within mentioned. [*Passed July 10.*]

CHAPTER 102.

ORDER ALLOWING £2 TO JACOB ALDRICH, JUN^r.

A PETITION of Jacob Aldrich jun^r of Mendon Setting forth That in the year 1758. He enlisted as a Soldier in the Pay of the Province, and carried his own Gun with him; but that being taken sick, he was sent to the Hospital at Albany, where being in a debilitated state, he could not take care of his Gun, and so lost it. And praying an Allowance.

Legislative
Records of the
Council, xxiv.,
92. Mass.
Archives,
lxxix., 459.

Mass.
Archives,
lxxix., 458.
House Jour-
nal, p. 105.

Read and

Ordered that the Sum of Two pounds be paid out of the publick Treasury to M^r Nathaniel Nelson for the Use of the Pet^r in full. [*Passed July 10.*]

CHAPTER 103.

VOTE REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF MOSES FARNUM AND SAMUEL ALDRICH QUAKERS, IN REGARD TO ASSESSMENTS.

Legislative
Records of the
Council, xxiv.,
93. Mass.
Archives, xiv.,
246.

THE COMMITTEE upon the Petition of Moses Farnum and Samuel Aldrich [Province Laws, xvi., 488, chap. 321] reported, that they were of opinion That the further consideration thereof be referred to the next Sitting of this Court, and that all actions in the Law relative thereto be stayed in the meantime:

Mass.
Archives, xiv.,
244, 247. Legis-
lative Records
of the Council,
xxiv., 70, 92.
House Jour-
nal, pp. 82, 110.
Province
Laws, xvi., 488,
chap. 321; 762,
chap. 456.

(Signed)

ISAAC ROYALL p order

Read & accepted. [*Passed July 11.*]

CHAPTER 104.

Legislative
Records of the
Council, xxiv.,
93. Mass.
Archives,
xxxiii., 174.

Legislative
Records of the
Council, xxiv.,
50. House
Journal, p. 106.
Province
Laws, iv., 545,
note.

RESOLVE THAT THE STOCKBRIDGE TAX OF £93. 6. 4 BE ASSESSED EXCLUSIVE OF THE INDIANS.

WHEREAS the Sum of Ninety Three pounds Six Shillings and Four pence is by Law to be Assessed This Year upon the Town of Stockbridge The Inhabitants of Which are Chiefly Indians and in fixing Said Sum upon Said Town, the Indians there were not Considered, Either for Their Polls or Estates as Chargable with any part of Said Tax.

Resolved that the whole of said Sum be Assessed upon the Inhabitants of Said Town Exclusive of Said Indians. [*Passed July 11.*]

CHAPTER 105.

RESOLVE RELATIVE TO 1,500 ACRES OF PROV. LAND IN THE DISTRICT OF PRINCE TOWN, KNOWN AS THE POT ASH FARM.

Legislative
Records of the
Council, xxiv.,
94. Mass.
Archives,
xvi., 442.

House Jour-
nal, p. 107.
Province
Laws, x., 24,
chap. 47; xvi.,
428, chap. 168;
709, chap. 326.

THE HOUSE took under Consideration the Circumstances of the fifteen hundred Acres of the province Land lying within the District of princetown commonly called the potash Farm, And to Consider what is proper to be done relative thereto, find that in the Year 1720, some disputes arose respecting the line, and bounds of the Town of Lancaster which line was then settled where it joins on the aforesaid Tract, of province Land as well as all other Bounds of said Lancaster by a Committee appointed by the General Court for that purpose. That since Possession of said Land was taken by William Richardson Esq^r appointed by the General Court in behalf of said province, The proprietors of said Lancaster have laid out into Lotts about 250 Acres of the southerly part of said Tract of province Land. and have cut and destroyed the Timber thereon; also the Timber on other parts of said Land whereby considerable part of said fifteen hundred acres of Land is likely to be lost unless speedily prevented

Therefore

Resolved that Cap^t Ezra Taylor be and he hereby is Impowered to Inquire into the Facts set forth as above and prosecute in the Law all such persons as have or shall hereafter Committ any Trespass on said Land. [*Passed July 11.*]

CHAPTER 106.

Legislative
Records of the
Council, xxiv.,
94.

House Jour-
nal, p. 109.
Province
Laws, xvi., 577,
chap. 28.

VOTE DIRECTING THE SECRETARY TO FURNISH THE AGENT WITH THE "ACTS OF THE GENERAL COURT" AND WITH THE VOTES AND ORDERS OF THE HOUSE OF REPRESENTATIVES.

Voted That the Secretary be directed to take effectual care that the Agent of this Province be furnished from time to time with the Acts of the General Court, and also with the Votes and Orders of the House of Representatives. [*Passed July 11.*]

CHAPTER 107.

ORDER DIRECTING AGENT WILLIAM BOLLAN TO PAY OUT OF THE PARLIAMENTARY GRANT OF 1759, &c., THE £60,000 BILLS OF EXCHANGE DRAWN ON HIM.

Legislative
Records of the
Council, xxiv.,
95. Mass.
Archives, civ.,
87.

WHERE AS this Court have passd an Act for drawing Bills of Exchange upon Mr Agent Bollan for £60,000 Sterling.

House Jour-
nal, p. 108.
Province
Laws, iv., 458,
chap. 3; 542,
note.

Ordered that the Sec^{ry} write to him to apply the Grant of 1759 to the payment of such Bills if He shall not before have Ship'd it in Silver or Gold And if He shall have Ship'd it then to apply the province's proportion of the 200,000 granted for 1760 to the payment of such Bills. [*Passed July 11.*]

CHAPTER 108.

VOTE DIRECTING THAT THE FIELD AND COMMISSIONED OFFICERS INLISTING TO SERVE UNDER GENERAL AMHERST RECEIVE THREE MONTHS' PAY.

Voted That the Field and other Commission Officers employed in the service of this Province that are proceeding forward to join the Army under the Command of General Amherst or the Commander in Chief of his Majesty's Forces in North America be and hereby are impowered to receive from the Treasurer of the Province three months pay as they are established by an Act of this Government. [*Passed July 11.*]

Legislative
Records of the
Council, xxiv.,
96.

House Jour-
nal, p. 106.
Province
Laws, xvi., 721,
chap. 356.

CHAPTER 109.

VOTE ESTABLISHING THE WAGES OF A SCOUTING PARTY FOR THE SURVEY FROM KENNEBECK TO THE RIVER ST. LAWRENCE.

Voted that a Survey of y^e Country from Kennebeck to y^e River of St Lawrence is Necessary & Practicable. & that to answer y^e purposes thereof One scouting party Consisting of one Captain Two Surveyors & Nine privates be Establishd in y^e pay of this Government in y^e following manner

Legislative
Records of the
Council, xxiv.,
96. Mass.
Archives, vi.,
532.

House Jour-
nal, p. 109.

One Captain at Eleven pounds p^o Month
the first Surveyor Eight pounds

The Second Surveyor, Six pounds the Privates at three pounds twelve shill each the service to commence y^e first of August & to end y^e middle of October next and that if s^d Privates should be taken out of any of y^e forts where they are in y^e pay of this Government that Pay shall be considered as a part of y^e above Establishment. [*Passed July 11.*]

CHAPTER 110.

VOTE ESTABLISHING THE WAGES OF CHAPLAINS FOR THE PROPOSED EXPEDITION.

Legislative
Records of the
Council, xxiv.,
97. Mass.
Archives, xiv.,
252.

Voted that an Establishment be made for Chaplains in the ensuing Campaign Viz

House Jour.
nal, pp. 110, 111.

For one Chaplain for each of the three Regiments if a Settled Minister and Leaves His Congregation	£10 p month
For a Minister not Settled	£8 Do

[Passed July 11.]

CHAPTER 111.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxiv.,
97.

House Journal, p. 110.

Ordered That all matters which have day at this Session, and not acted upon shall have the same day at the next Session of this Court. [*Passed July 11.*]

CHAPTER 112.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
97.

Mass.
Archives,
lxxix., 486, 740.
House Jour-
nal, p. 99.

In the House of Representatives;
The House considered the Petitions of Sick and wounded Soldiers
and

Voted That the sum of Six pounds two shillings and five pence be paid out of the publick Treasury to James Otis Esq^r for the use of Kenelm Winslow in full. To Timothy Ruggles Esq^r Six pounds eight shillings for the use of Nathanael Sprout in full. To Jacob Fowle Esq^r Six pounds for the use of Andrew Tucker in full. To Cap^t Peter Coolidge sixteen shillings and eight pence for the use of Joseph Boyden in full. To Timothy Ruggles Esq^r Eight pounds for the use of Richard Church in full.

In Council Read and Concurred. [Passed July 11.]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWELFTH DAY OF NOVEMBER, A.D. 1761.

CHAPTER 113.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

AN ACCOUNT of Jeremiah Moulton Esq^r Treasurer of the County of York having been presented to the Court for Allowance

Read and

Ordered That the within Account be allowed and that the within named Treasurer be accountable to the said County for the ballance being Thirty four pounds five shillings and seven pence. [*Passed November 13.*]

Legislative
Records of the
Council, xxiv.,
105.

House Jour-
nal, pp. 10, 116.

CHAPTER 114.

VOTE APPOINTING A COMMITTEE ON REPAIRS TO CASTLE WILLIAM AND THE LIGHTHOUSE.

THE TWO HOUSES having proceeded according to Agreement the 13th Instant to the choice of a Committee to take care of the Repairs of Castle William and the Light House, and the Votes brought in sorted and counted, it appeared That William Brattle, Thomas Hubbard, Royall Tyler, John Phillips and James Otis Esq^{rs} were chosen by a major part of the Votes, which choice being laid before his Excellency the Governor, he was this day pleased to sign his consent thereto. [*Passed November 13.*]¹

Legislative
Records of the
Council, xxiv.,
107.

Legislative
Records of the
Council, xxiv.,
105. House
Journal,
pp. 115, 117.

CHAPTER 115.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF LINCOLN AND ALLOWING £1. 10 FOR THE EXPENSE THEREOF.

AN ACCOUNT of Samuel Denny Esq^r of his having farmed the Duties of Excise on Tea Coffee and China ware in the County of Lincoln to Benjamin Frizzel for Thirty pounds twelve shillings with the charge attending the same annexed, amounting to One pound ten shillings

Read and

¹ This date is according to the House Journal; the entry is made in Legislative Records of the Council under the date of November 16, the day on which the governor signed his consent.

Legislative
Records of the
Council, xxiv.,
106.

House Jour-
nal, p. 118.
Province
Laws, xvi., 689,
chap. 273.

Ordered That this Report be accepted and that the Sum of one pound ten shillings be allowed and paid to Thomas Hubbard Esq^r out of the Publick Treasury to respond the charge within mentioned. [*Passed November 14.*]

CHAPTER 116.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
108.

House Jour-
nal, p. 118.

THE FOLLOWING VOTES passed upon the Petitions of Sick and wounded Soldiers viz^t

That there be paid out of the Public Treasury to M^r Nathaniel Ropes the Sum of Five pounds for the use of Edward Rose in full.

To Captain Noah Kidder Five pounds sixteen shillings for the use of Daniel Macey in full.

To M^r Thomas Porter Six pounds thirteen shillings and four pence for the use of William Marble in full.

To the Selectmen of Bellingham Six pounds eighteen shillings for the use of James Pompmellet in full.

To M^r Joshua Hearsey Two pounds six shillings and eight pence for the use of Levi Lincoln in full.

To Oliver Fletcher Esq^r One pound eighteen shillings for the use of Samuel Perham in full.

To M^r Joshua Hersey sixteen shillings and eight pence for the use of Joseph Beal in full. [*Passed November 17.*]

CHAPTER 117.

ORDER ALLOWING 40/ TO EDW^d TWISS.

Legislative
Records of the
Council, xxiv.,
109. Mass.
Archives,
lxxx., 21.

Mass.
Archives,
lxxx., 20.
House Jour-
nal, p. 121.

A PETITION of Edward Twiss of Woburn Praying an allowance for a Gun his Son Twiss a Soldier in the Pay of the Province lost as he was going to Mount Real in the year 1760.

Read and

Ordered that the sum of forty Shillings be paid out of the publick Treasury to M^r James Fowle for the Use of the Pet^r in full for the Loss of his Gun mentioned. [*Passed November 17.*]

CHAPTER 118.

ORDER ALLOWING £3 TO DAN^l KITTERIDGE.

Legislative
Records of the
Council, xxiv.,
109. Mass.
Archives,
lxxix., 773.

Mass.
Archives,
lxxix., 772.
House Jour-
nal, p. 122.
Province

A PETITION of Daniel Kitteridge of Tewksbury Setting forth That in the year 1758 his Son Timothy Kitteridge went into the Service as a private Soldier in the pay of the Province; that falling sick he was carried to the Hospital at Albany, at which time his Gun was returned into the Public Store, notwithstanding which there was a stoppage made from his said Sons Wages on account of the said Gun.

And Praying an Allowance.

Read and

Laws, xvi., 247,
chap. 89.

Ordered that the sum of three pounds be paid out of the publick Treasury to M^r James Fowle for the Use of the Pet^r in full.
[*Passed November 17.*]

CHAPTER 119.

ORDER ALLOWING £3 TO ELISHA CROSSMAN.

A PETITION of Elisha Crosman of Middleborough Setting forth That He was a Soldier in the Pay of the Province in 1760, and was detained to take care of the Sick till the 20th December, and that upon his return across Lake Champlain the Ice brake and he lost his Pack and Gun. And Praying an allowance.

Legislative
Records of the
Council, xxiv.,
110. Mass.
Archives,
lxxxix., 563.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Ephraim Keith for the Use of the Petitioner in full consideration for his Losses mentioned. [*Passed November 17.*]

Mass.
Archives,
lxxix., 562.
House Jour-
nal, p. 122.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 120.

ORDER ALLOWING £1. 6. 8 TO JOSIAH WHITE.

A PETITION of Josiah White of Uxbridge Setting forth That in the year 1758, being a Soldier in the Pay of the Province he carried his own Gun, which in the Action at Ticonderoga was in-
tirely ruined by a Shot from the Enemy. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
110. Mass.
Archives,
lxxx., 12.

Read and

Ordered that the sum of One pound Six Shillings and eight pence be paid out of the publick Treasury to M^r Solomon Wood for the Use of the Pet^r in full for the Loss of the Gun within mentioned.
[*Passed November 17.*]

Mass.
Archives,
lxxx., 11.
House Jour-
nal, p. 121.

CHAPTER 121.

VOTE IMPOWERING ABIGAIL FIELD, ADM^x, TO SELL TWO THIRDS OF AN ESTATE.

A PETITION of Abigail Field, Administratrix of the Estate of her late Husband Robert Field of Western in the County of Worcester deceas'd. Setting forth, That the deceaseds Real Estate consisting of thirty five Acres of Land was apprizd at £134.12.4 that after her third is set off, the remainder will not be sufficient to pay his debts, which she was not sensible of when the Superior Court sat last at Worcester and as it will not sit again till September next, Praying that She may be enabled to make sale of the other two thirds of the deceaseds Real Estate for the benefit of the Creditors.

Legislative
Records of the
Council, xxiv.,
111.

House Jour-
nal, p. 122.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the said Abigail Field in her capacity be and she hereby is impow-

ered to make sale of two thirds of the said deceaseds Real Estate in said Petition mentioned for the payment of said deceaseds [Debts]¹ so far as the same will extend, and to pass and execute a good deed or deeds in the Law for conveying the same She observing the direction of the Law relating to the sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for said County of Worcester to account for the moneys arising by said Sale according to Law. [*Passed November 17.*]

CHAPTER 122.

ORDER SETTING OFF THE ESTATE OF ISAAC MAGOON, DECEASED, FROM PALMER TO WARE RIVER PARISH.

Legislative
Records of the
Council, xxiv.,
10, 112.

House Jour-
nal, pp. 13, 124.

A PETITION of Isaac Magoon and Alexander Magoon Sons and heirs to the whole of the Estate of Isaac Magoon, late of Ware River Parish in the County of Hampshire deceased Setting forth That they own about four hundred Acres of Land in the Northerly part of Palmer, which lyes five miles distant from Palmer meeting house thro' a bad road, and but two miles distant from Ware river Meeting house, and the Road naturally good. And Praying that they may be annexed to said Ware River Parish.

Read and it appearing that the Petitioners had pursued the order of Court with regard to a notification.

Ordered that the Estate mentioned in said Petition be, and it hereby is annexed to the Parish of Ware River, and the Inhabitants or Possessors of the said Estate to do duty and receive priviledge therein. [*Passed November 18.*]

CHAPTER 123.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative
Records of the
Council, xxiv.,
114.

House Jour-
nal, pp. 10, 116.

AN ACCOUNT of Joshua Henshaw Esq^r Treasurer of the County of Suffolk dated July 27. 1761 having been laid before the Court for allowance.

Read and

Ordered That the within Account be allowed and that the balance being Forty five pounds twelve shillings and four pence three farthings the within named Treasurer be further accountable to the said County for. And that he also further account for the sum of Two hundred and one pounds two shillings and four pence three farthings outstanding debts due to said County when he shall receive the same. [*Passed November 18.*]

¹ Inserted from the House Journal, p. 122.

CHAPTER 124.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE, &c., FOR THE COUNTY OF BRISTOL, AND ALLOWING
£1. 4. 6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Coffee Tea &c^a in the County of Bristol made report that they had sold the same to James Cobb, (being the highest bidder) for Nine Pounds, and delivered his Bond for payment to the Province Treasurer

(Signed) GEORGE LEONARD p^r order.

Read and

Ordered that this report be accepted and that the Sum of One pound four Shillings and Six pence be paid out of the publick Treasury to the Comm^{ee} accordingly. [*Passed November 19.*¹]

Legislative
Records of the
Council, xxiv.,
114. Mass.
Archives, cxx.,
395.

House Jour-
nal, p. 129.
Province
Laws, xvi., 690,
chap. 278.

CHAPTER 125.

ORDER IN REGARD TO UNSOLD TICKETS IN SUDBURY LOTTERY.

Order'd that if any of the Ticketts in a Lottery for the repairing of the Causeway on the Westerly side of Sudbury River & for Building a Bridge over said River should remain unsold at the Time that may be sett by the Managers of said Lottery for drawing the Same, Samuel Parris the Treasurer of the Town of Sudbury shall take such Ticketts, the Profitts of which shall be applied towards repairing the Cause way & y^e Building the Bridge aforesaid & from time to time keeping the same in repair & if there be any Loss it shall be made good out of the Clear Profitts arising by said Lottery and the Ticketts so remaining shall by the Managers be deliver'd into the hands of said Treasurer sometime before they begin to Draw, provided always that the Number of Ticketts so left shall not exceed in Value more than one half of the neat proceeds of said Lottery. [*Passed November 19.*]

Legislative
Records of the
Council, xxiv.,
115. Mass.
Archives,
lxxxviii., 119.

House Jour-
nal, p. 130.
Province
Laws, iv., 420,
chap. 22; 449,
note.

CHAPTER 126.

VOTE DIRECTING THE PROVINCE TREASURER TO DELIVER A BOND
TO ABNER LEE.

A PETITION of Abner Lee of Amherst. Setting forth. That in November 1758. John Worthington Esq^r of Springfield purchased of the Committee of the General Court a Right of Land in Poquoige originally proposed for James Fay, (the House Lot of which N^o 8. was claimed by the Petitioner) upon which Purchase the said John gave his Bond to the Province Treasurer in the penalty of £200 conditioned for performing a Settlement, or for paying £100 to the use of the Province. That on the 6th September 1760 the Petitioner purchased the said Right of the said John for which Land he is

Legislative
Records of the
Council, xxiv.,
116.

House Jour-
nal, p. 128.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 18.

to have a deed upon his procuring the said Mr Worthingtons bond to be cancelled, That he hath procured one David Goddard to execute a Bond of the like tenor. And Praying that it may be accepted instead of the said Worthington's Bond, & that the same may be thereupon cancelled.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Province Treasurer be and he hereby is directed to deliver to the Petitioner the Bond within mentioned given by John Worthington Esq^r upon the Petitioners delivering to him the Bond within mentioned given by David Goddard. [*Passed November 19.*]

CHAPTER 127.

ORDER ALLOWING £8 TO JOHN DUPORT.

Legislative
Records of the
Council, xxiv.,
117. Mass.
Archives,
lxvi., 159.

A PETITION of John Duport Setting forth That He was taken in the Province Snow Prince of Wales and carried to France where during along captivity he suffered great hardships, And Praying an Allowance.

Mass.
Archives,
lxvi., 158.
House Jour-
nal, p. 123.

Read and

Ordered that the Sum of Eight pounds be paid out of the Treasury to Thomas Dalrymple for the Use of the Pet^r in full. [*Passed November 19.*]

CHAPTER 128.

ORDER ALLOWING £4 TO THO^s AWANSAMUG, INDIAN.

Legislative
Records of the
Council, xxiv.,
117. Mass.
Archives,
xxxiii., 171.

A PETITION of Thomas Awonsamug of Natick Indian Setting forth, That having been engaged in the Province Service as a Soldier for more than thirty Years past, he hath endured such great hardships as have brought upon him the Gout, and more lately the Palsy and two apoplectic Fits: and having no means of Support, and the English of said Plantation not thinking themselves obliged to provide for the support of the Indians, he is in great distress And Praying Relief.

Mass.
Archives,
xxxiii., 170.
House Jour-
nal, pp. 117, 126.

Read and

Ordered that the Sum of four pounds be paid out of the publick Treasury to Col^o Moses Marcey for the Use of the Pet^r The said Marcey to be accountable for the same. [*Passed November 19.*]

CHAPTER 129.

ORDER ALLOWING £3 TO SETH STAPLE.

Legislative
Records of the
Council, xxiv.,
118. Mass.
Archives,
lxxx., 21.

A PETITION of Seth Staple of Taunton Setting forth That his Servant Daniel Shaw Inlisted in his Majesty's Service in the Pay of this Province in 1759. and was at Louisbourg part of the time under Cap^t Glover and part under the command of Cap^t Blake, to

whom he delivered up his Gun; but that in Cap^t Glovers Muster Roll, a deduction is made from his Wages of Three pounds on account of said Gun. And Praying Relief.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to James Williams Esq^r for the Use of the Pet^r in full. [*Passed November 19.*]

Mass.
Archives,
lxxx., 24.
House Jour-
nal, p. 125.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 130.

ORDER ALLOWING £3 TO ELIS: WILKINSON.

A PETITION of Elisabeth Wilkinson of Attleborough Setting forth, That in the Year 1758. her son Noah Wilkinson went into his Majesty's Service in the Pay of the Province in Cap^t Eddys Company of Col^o Doty's Regiment, and it is supposed, died on his return home, and his Gun not being returned a deduction was made of Three pounds from his Wages. That she hath since caused said Gun to be returned. And Praying an allowance therefor.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to M^r Stephen Fuller for the Use of the Pet^r in full. [*Passed November 19.*]

Legislative
Records of the
Council, xxiv.,
118. Mass.
Archives,
lxxix., 791.

Mass.
Archives,
lxxix., 790.
House Jour-
nal, pp. 125, 126.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 131.

ORDER ACCEPTING REPORT OF COMMITTEE ON PROCEEDINGS AT TOWN MEETINGS IN FIRST PRECINCT IN REHOBOTH, AND RATIFYING AND CONFIRMING THE SAME.

A PETITION of Timothy Walker and Others Assessors of the First Precinct in Rehoboth Setting forth That they have been in the practice of calling their Precinct Meetings by posting up notifications at the Meeting House instead of directing a Warrant to the Constable for that purpose; and that at their meetings thus warned, they have transacted matters of great importance, such as settling a Minister and providing for his support, and ordering the Sale of some Parsonage Lands, and also remitting the Taxes of some of the late Inhabitants of Barrington, now set off to said first Precinct of Rehoboth, that so the Minister of Barrington may still receive the benefit of the said Inhabitants Taxes. And as some of their doings have lately been called in Question by reason of their meetings being warned as aforesaid Praying that the same may be confirmed.

The Committee appointed the 18th Instant on the Petition of Timothy Walker and Others Assessors of the first Precinct of Rehoboth reported according to order.

Read and Accepted, And thereupon

Ordered That the several Votes Acts and Doings of the first Parish in Rehoboth since they have been made one be and hereby are ratified and confirmed to all intents and purposes whatsoever as fully and amply as if the several meetings called by the Parish Committee had been strictly conformable to Law And that the

Legislative
Records of the
Council, xxiv.,
115, 119.

House Jour-
nal, pp. 129, 135.
Province
Laws, iv., 560,
note.

Assessors of said first Parish in Rehoboth be and hereby are impowered to Assess the Inhabitants thereof from time to time annually so much more than the Ministers Salary in Rehoboth is or may be as it shall fall short by reason of the money arising upon the Taxes laid upon the Inhabitants and the Lands in that part of Rehoboth which was formerly Barrington, but by the running of the Province and Colony line fell to this Government shall amount to, and is paid to the Rev^d M^r Townsend of Barrington or that hereafter may be paid to his Successors in the Ministry there, and the Collectors of said first Parish in Rehoboth are hereby impowered and directed from time to time to collect and pay in the same And that every Assessment heretofore made by said Parish for the purpose aforesaid is hereby ratified and confirmed. [*Passed November 20.*]

CHAPTER 132.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BARNSTABLE AND ALLOWING £1.4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
121.

House Jour-
nal, p. 134.
Province
Laws, xvi., 688,
chap. 271.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee and China Ware in the County of Barnstable made report that they had sold the same to Isaac Hinckley Esq^r for £33.9.4 and had taken Bond for the same, which they had delivered to the Province Treasurer. And Praying allowance of their charge and expences amounting to One pound four shillings.

Read and

Ordered that this Report be accepted, and that the sum of One pound four shillings be paid out of the Public Treasury to the Committee for their Expences in the Affair. [*Passed November 20.*]

CHAPTER 133.

ORDER IMPOWERING NANNY CROSS, ADM^x, TO SELL HALF OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
122.

House Jour-
nal, p. 132.
Province
Laws, II., 151,
chap. 10.

A PETITION of Nanny Cross Widow and Administratrix of the Estate of her late Husband Moses Cross of Newbury deceased Setting forth That her said late Husband had purchased a Lot of Land in Newbury containing twelve Rods, whereon he had erected a Dwelling House, and partly finished the same when he inlisted as a Carpenter and proceeded to Oswego, where he was captivated, and afterwards died in captivity. That she is put to the greatest difficulty to support herself and Children and is utterly unable to finish or repair the said House. Praying that she may be impowered to sell one half thereof, the money arising by said sale to be laid out in repairing the other half of the House, and for the benefit of the deceaseds Heirs,

Read and

Ordered That the Prayer of the Petition be granted, and the Petitioner in her capacity of Administratrix be impowered to make Sale of Half the House and Land in said Petition mentioned for the

most the same will fetch; and to make and execute a good deed or deeds of the same; She observing the directions of the Law relating to the Sale of Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex that the produce arising by said Sale shall be laid out in the best manner for the repairs of the other end of said House and for the benefit of said deceaseds Heirs. [*Passed November 21.*]

CHAPTER 134.

VOTE IMPOWERING THO^S HALE, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Hale of Brookfield Administrator of the Estate of Benjamin Batchelder late of Brookfield deceas'd, Setting forth That the deceaseds personal Estate amounted to but £61.15.6 which is not sufficient to pay more than one half the debts, and the allowance made to the Widow: that the Real Estate after the Widows Dower is set off will be incapable of any Subdivision without spoiling the whole. And Praying that he may be enabled to sell the same.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the said Thomas Hale in his capacity be and he hereby is impowered to make sale of the Real Estate within mentioned for the most the same will fetch and to make and execute a good and sufficient deed or deeds of conveyance thereof, he observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester for applying the proceeds thereof in the following manner namely. The Widow of the said deceased to have the Income of one third thereof during her Life in lieu of her Dower: that after the debts &c^a are paid out of the other two thirds, the Overplus if any, be divided among the Heirs, and also at the death of the Widow of said deceased the said Third be also divided among the heirs that may then be. [*Passed November 21.*]

Legislative
Records of the
Council, xxiv.,
123.

House Jour-
nal, pp. 132, 133.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 135.

VOTE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF YORK TO DIRECT THE COMMISSIONERS OF INSOLVENCY TO RECEIVE AND EXAMINE CLAIMS AGAINST AN ESTATE.

A PETITION of Chipman Cobb and Thomas Pinnell of Falmouth in the County of Cumberland Setting forth That in the year 1739 they purchased of Thomas Westbrook Esq^r late of said Falmouth deceased Insolvent ninety four Acres of land with Warranty, which Lands were at the time of the purchase as has since appeared under Attachment to satisfy a debt due from the said Westbrook to the late Brig^{dr} Waldo. That the Commissioners on the Claims to said Westbrooks Estate had during the time of Brigadier Waldo's Law-suit for the said Land made report to the Court of Probate for the County of York but that no order for distribution had yet issued.

Legislative
Records of the
Council, xxiv.,
123.

House Jour-
nal, pp. 126, 132.

And Praying That the Judge of Probate for the County of York may be impowered to recommit the said Report to the Commissioners, and that the Commissioners be impowered to examine and report on the Claims of the Petitioners.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Judge of Probate for the County of York be and hereby is impowered to direct and order the Commissioners on the Claims of the Estate of Thomas Westbrook Esq^r late of Falmouth deceased represented Insolvent, to receive and examine the Claims, of the Petitioners, on the Estate of said Westbrook and make report, and that no distribution of the said Estate be had among the several Creditors of said Estate before said Report be made provided it be done before the first day of January next, and provided that there be none now already made. [*Passed November 21.*]

CHAPTER 136.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN SUFFOLK COUNTY.

Legislative
Records of the
Council, xxiv.,
124.

House Jour-
nal, p. 130.

In the House of Representatives.

Voted That Royall Tyler and John Phillips Esq^{rs} with such as the honourable Board shall join be a Committee to Farm out the Duties of Excise on Tea Coffee and China Ware for the County of Suffolk the current year

In Council Read and Concurred and Samuel Watts Esq^r is joined in the affair. [*Passed November 21.*]

CHAPTER 137.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxiv.,
124.

House Jour-
nal, p. 130.

In the House of Representatives

Voted That Nathanael Ropes Esq^r and M^r Henry Herrick with such as the hon^{ble} Board shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China ware in the County of Essex the current year.

In Council Read and Concurred and Benjamin Lynde Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 138.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxiv.,
125.

In the House of Representatives

Voted That Ezekiel Cheever and Andrew Boardman Esq^{rs} with such as the honourable Board shall join be a Committee to farm

out the duties of Excise on Tea Coffee and China Ware for the County of Middlesex the current Year. House Journal, p. 130.

In Council Read and Concurred and William Brattle Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 139.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN HAMPSHIRE COUNTY.

In the House of Representatives

Voted, That Josiah Dwight and Oliver Partridge Esq^{rs} with such as the honorable Board shall join, be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware, in the County of Hampshire, the current Year. Legislative Records of the Council, xxiv., 125. Mass. Archives, cxx., 430.

In Council Read and Concurred and Israel Williams Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 140.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives

Voted That Thomas Clapp and Thomas Foster Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Plymouth the current Year. Legislative Records of the Council, xxiv., 125.

In Council Read and concurred and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 141.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN BARNSTABLE COUNTY.

In y^e House of Representatives

Voted that James Otis Esq^r & M^r Chillingsworth Foster Jun^r wth such as the Hon^{ble} Board shall join be a Com^e to farm out the Duties of Excise, on Tea Coffee, & China Ware, in y^e County of Barnstable, the Current Year. Legislative Records of the Council, xxiv., 125. Mass. Archives, cxx., 413.

In Council, Read & Concurred & Sylvanus Bourn Esq^r is joined in y^e Affair. [*Passed November 21.*]

CHAPTER 142.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN WORCESTER COUNTY.

Legislative
Records of the
Council, xxiv.,
125.

House Jour-
nal, p. 130.

In the House of Representatives;
Voted That Timothy Paine and Ezra Taylor Esq^{rs} with Such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Worcester the current year.

In Council Read and Concurred and John Chandler Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 143.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BRISTOL COUNTY.

Legislative
Records of the
Council, xxiv.,
125.

House Jour-
nal, p. 131.

In the House of Representatives
Voted That James Williams and Thomas Morey Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Bristol the current year.

In Council Read and Concurred and George Leonard Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 144.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINAWARE IN YORK COUNTY.

Legislative
Records of the
Council, xxiv.,
126.

House Jour-
nal, p. 131.

In the House of Representatives
Voted That John Bradbury and Benjamin Chadburne Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the duties of Excise on Tea Coffee and China Ware in the County of York the current year.

In Council Read and Concurred and Richard Cutt Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 145.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINAWARE IN THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council, xxiv.,
126.

House Jour-
nal, p. 131.

In the House of Representatives
Voted That Mathew Mayhew Esq^r and M^r Jonathan Allen with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Dukes County the current Year.

In Council Read and Concurred and James Athearn Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 146.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN NANTUCKET COUNTY.

In the House of Representatives

Voted That Abishai Folger Esq^r and Cap^t Obed Hussey with such as the honourable Board shall join be a Committee to farm out the duties of Excise on Tea Coffee and China Ware in the County of Nantucket the current year.

Legislative
Records of the
Council, xxiv.,
126.

House Jour-
nal, p. 131.

In Council Read and Concurred and Josiah Coffin Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 147.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN CUMBERLAND COUNTY.

In the House of Representatives

Voted That Samuel Waldo and Jeremiah Powell Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the duties of Excise on Tea Coffee and China ware in the County of Cumberland the current Year.

Legislative
Records of the
Council, xxiv.,
126.

House Jour-
nal, p. 131.

In Council Read and Concurred and Enoch Freeman Esq^r is joined in the affair. [*Passed November 21.*]

CHAPTER 148.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN LINCOLN COUNTY.

In the House of Representatives

Voted That Samuel Denny and William Cushing Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee and China ware in the County of Lincoln the current year

Legislative
Records of the
Council, xxiv.,
126.

House Jour-
nal, p. 131.

In Council Read and Concurred and Jonathan Bowman Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 149.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINAWARE IN BERKSHIRE COUNTY.

In the House of Representatives

Voted That Joseph Dwight and Elijah Williams jun^r Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China ware in the County of Berkshire the current year.

Legislative
Records of the
Council, xxiv.,
127.

House Jour-
nal, p. 131.

In Council Read and Concurred and Timothy Woodbridge Esq^r is joined in the Affair. [*Passed November 21.*]

CHAPTER 150.

VOTE IMPOWERING REV^d MR. WHEELOCK TO TAKE INDIAN CHILDREN UNDER HIS CARE.

Legislative
Records of the
Council, xxiv.,
107, 127.

House Jour-
nal, pp. 124, 139.
Province
Laws, iv., 561,
note; xvi., 60,
chap. 128.

A PETITION of Eleazer Wheelock of Lebanon in the Colony of Connecticut, Clerk Setting forth That he hath for many Years past had under his care and instruction a number of Indian Youth some of whom have since proved useful; that He is now about to enlarge his Plan by taking into his School some of the Children of the Indians of the Six Nations; that He hath no settled Fund for carrying this design into execution, but being inform'd that this Government hath appropriated the Interest of certain moneys received from Lady Warren for the purpose of educating such Indian Children; and that there is not at present, nor hath been since the receipt of said money any Indian Youth upon the Foundation within this Province. And Praying That he may be allowed to receive the interest of said money for the purpose aforesaid, He to be accountable.

[Read and]

Voted That the Rev^d M^r Wheelock the Petitioner be allowed to take under his care for one Year six Indian Children of the Six Nations for Education, boarding and cloathing, and that he be allowed for that purpose for said Children or for so many of them as he shall receive under his care at the rate of twelve pounds *p* Annum each for one year out of the interest of Sir Peter Warren's donations, he the said Wheelock laying before this Government an account of his disbursment on said Children, and of the improvements they may have made at the end of the Year when he shall apply for payment. [*Passed November 23.*]

CHAPTER 151.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £1.9.4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
128. Mass.
Archives,
cxx., 396.

House Jour-
nal, p. 135.
Province
Laws, xvi., 690,
chap. 276.

THE COMMITTEE appointed to farm out the duties of Excise on Tea Coffee and China Ware in the County of Middlesex for the year current, made report That they had sold the same to John White for £171 and presented their account of charge and expence amounting to £1.9.4.

Read and Accepted and

Ordered that the Sum of One pound Nine Shillings and four pence be paid out of the publick Treasury to the Committee for their expences in the Affair. [*Passed November 23.*]

CHAPTER 152.

VOTE IMPOWERING ANN MITCHELL, ADM^x, TO SELL REAL ESTATE.

A PETITION of Ann Mitchell, Widow and Administratrix of the Estate of Robert Mitchell late of Newbury deceased and Guardian to Martha, Joshua, Nathanael and Joseph Mitchell, Minors, Children of said deceas'd Joseph Goodhue Guardian to Mary Mitchell a Minor and Heir of said deceas'd, and as Attorney to Samuel Kilpatrick of York and Elizabeth his Wife which Elisabeth is one of the Children and Heirs of said deceased, in behalf of said Children and Heirs Setting forth That the said Robert died Seized of about nine Acres of Pasture Land and about three Acres of Salt Marsh worth about four or five pounds p Acre and a single Dwelling house on the Bank of the River Merrimack with a small Wharf back of it in a ruinous condition. That Application has been made to the Judge of Probate for the County of Essex for a division of the said Estate, and a committee was accordingly appointed by him to make division thereof, who after having viewed the same reported that it was not capable of a division among the Heirs: And Praying that they may be empowered to sell the same for the benefit of the Concerned.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the said Anna in her capacity be authorised and empowered to make sale of the House and Lands in said Petition mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same, she observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex that the produce arising by said Sale be secured for the right heirs of the said Deceased. [*Passed November 23.*]

Legislative
Records of the
Council, xxiv.,
128.

House Jour-
nal, p. 134.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 153.

VOTE GRANTING TO JOSEPH PARKER LICENSE TO RETAIL STRONG DRINK.

A PETITION of Joseph Parker of Newbury Setting forth That he hath lately set up the business of distilling Cordial Spirits, which are seldom sold in large quantities: And having obtained the approbation of the Selectmen of Newbury, Praying that the Court of General Sessions of the Peace for said County may be empowered to grant him a License at their next Sitting in December, which without the interposition of this Court, they cannot do until July next.

[Read and]

Voted that the Prayer of this Petition be so far Granted as that the justices of the Court of General Sessions of the Peace for the County of Essex, be allow'd at their next Sitting on the last Tuesday of December next, to Grant the Petitioner a Licence (if they see Cause) to Retail Spiritous Liquors at His dwelling House in

Legislative
Records of the
Council, xxiv.,
129. Mass.
Archives,
cxx., 394.

Mass.
Archives,
cxx., 393.
House Jour-
nal, p. 137.

Newbury aforesaid, He producing the Approbation of the Select men of Said Town, the time for Granting Licences being elapsed notwithstanding. [*Passed November 23.*]

CHAPTER 154.

ORDER ALLOWING £4. 14. 6 TO EZEKIEL MIGHILL.

Legislative
Records of the
Council, xxiv.,
129. Mass.
Archives,
lxxx., 16.

Mass.
Archives,
lxxx., 16.
House Jour-
nal, pp. 129, 140.

A PETITION of Ezekiel Mighill of Newbury, a Soldier in the Pay of the Province in 1759, in Cap^t Gerrish's Company Setting forth That He was made up short in the Muster Roll from 10th March to 22^d May as appears by the Captains Certificate, And Praying an allowance

Read and

Ordered that the Sum of four pounds fourteen Shillings and Six pence be paid out of the publick Treasury to John Brown Esq^r for the Use of the Pet^r in full. [*Passed November 23.*]

CHAPTER 155.

VOTE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxiv.,
130.

House Jour-
nal, pp. 140, 142.

AN ACCOUNT of Jonathan Bacon Treasurer of the County of Barnstable having been laid before the Court for their allowance
[Read and]

Voted That the within account be allowed, and that the Treasurer of the County of Barnstable further account with said County for the ballance in his hands being five pounds four shillings. [*Passed November 23.*]

CHAPTER 156.

VOTE IMPOWERING MARTHA ABBOT, ADM^x, TO EXECUTE A DEED, ALSO TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
130.

House Jour-
nal, p. 133.
Province
Laws, II., 151,
chap. 10.

A PETITION of Martha Abbot Administratrix of the Estate of her late Husband George Abbot jun^r late of Hardwick deceased, Setting forth That her said Husband had sold to his Brother Isaac Abbot thirty Acres of the Westwardly part of his Homestead near Greenwich line, and had received the Pay for it, but died before he had executed the deed. That his personal Estate is not sufficient to pay his debts by £12.11 and that the remainder of his Real Estate was apprizd at Sixty pounds subject withal to her Dower, and an annuity of Eight pounds to the deceaseds Father, and Praying leave to sell the same.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the within named Martha Abbot in her capacity be, and she hereby

is impowered to execute a good deed in the Law to convey to the within named Isaac Abbot the thirty Acres of Land which he purchased of the deceased in his Life time as mentioned in said Petition. And that She also is hereby impowered to make sale of the remainder of said deceaseds Real Estate for the most the same will fetch for the reasons in this Petition mentioned, and to pass and execute a good deed or deeds in the Law to such Person or Persons as shall give most for the same, She to observe the directions of the Law relating to the Sale of Real Estates by Executors and Administrators She also giving caution to the Judge of Probate for the County of Worcester to dispose of the proceeds arising by said sale as mentioned in this Petition. [*Passed November 23.*]

CHAPTER 157.

VOTE ALLOWING 36/ TO EDW^d EAST.

A PETITION of Edward East of Pelham Setting forth That He was a Soldier in the Pay of the Province in Cap^t M^cFarlands Company, from whence he was detached into the Battoe Service & did not return home till the 15th of December, but that he is made up in the Roll to the 16 November only. And Praying Relief.

[Read and]

Voted that the Prayer of this Petition be granted. and that there be paid out of the Publick Treasury to Tim^o Paine Esq^r for y^e use of the Petitioner thirty six Shillings being one months wages. which he was made up Short in Cap^t M^cFarland muster Roll. [*Passed November 23.*]

Legislative
Records of the
Council, xxiv.,
131. Mass.
Archives,
lxxix., 795.

House Jour-
nal, pp. 137, 140.

CHAPTER 158.

ORDER ALLOWING £26 TO AUSTEN ALDEN AND THIRTEEN OTHERS INHABITANTS OF PEARSON AND HOBBS TOWN.

A PETITION of Austin Alden and Thirteen Others, Inhabitants of Pearson and Hobbs Town Setting forth That in 1759 they inlisted as Soldiers in the Pay of the Province under the command of Cap^t William Gerrish, and proceeded on duty upon the 10th of April, but are not entered on the Roll untill about the 23^d of May. And Praying Relief.

Read and

Ordered That the Prayer of the Petition be granted: and that there be allowed and paid out of the Public Treasury to M^r Stephen Longfellow the sum of Twenty six pounds for the use of the Petitioners in full for the time they were in the service for which they were not made up in Cap^t Gerrish's Muster Roll. [*Passed November 23.*]

Legislative
Records of the
Council, xxiv.,
131.

House Jour-
nal, p. 129.

CHAPTER 159.

VOTE IMPOWERING CHARLES AND ELIZABETH BAKER, ADM^{ES}, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
133.

House Jour-
nal, pp. 133, 134.
Province
Laws, II., 151,
chap. 10.

A PETITION of Charles Baker and Elizabeth Baker Administrators of the Estate of John Baker late of Petersham deceased. Setting forth That the deceaseds debts exceed his personal Estate £30.2.7 That his real Estate consists of a dwelling House and about twenty acres of Land, some part of which it is necessary should be sold for the payment of debts, whereby what is left of it would become of little value. And praying leave to sell the whole under proper Restrictions.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioners in their capacity be and hereby are impowered to sell the Real Estate within mentioned for the most the same will fetch and to give a good and sufficient deed or deeds of the same, they observing the direction of the Law respecting the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale be applied as follows viz^t the said Elizabeth to have the interest of one third of the money arising by said Sale during her Life in lieu of her Dower that after the debts of said deceased are paid, the remainder of the other two thirds be divided among the Heirs of said deceased according to Law, and that at the death of the said Elisabeth, the said Third be divided among the legal Heirs that then may be. [*Passed November 24.*]

CHAPTER 160.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
134. Mass.
Archives,
lxxx., 39.

Mass.
Archives,
lxxxviii., 532.
House Jour-
nal, pp. 135, 136.

Voted, That there be paid out of the publick Treasury, to Samuel Phillips Esq^r the Sum of three Pounds nine Shillings and four Pence, for the Use of Samuel Currier, in full.

To William Lawrence, Esq^r the Sum of Six Pounds eight Shillings and three Pence, for the Use of Samuel Ames, in full.

To Charles Prescott Esq^r the Sum of nineteen Shillings and four Pence, for the Use of Timothy Wilkins, in full.

To John Whitecomb Esq^r the Sum of One Pound fifteen Shillings and four Pence, for the Use of Mary Russell, in full.

To Samuel Phillips Esq^r the Sum of one Pound eight Shillings and eight Pence, for the Use of Joseph Robinson, in full.

To M^r James Athern, the Sum of five Pounds, for the Use of Daniel Dunham, in full.

To Benjamin Reed Esq^r the Sum of four Pounds, thirteen Shillings and two Pence, for the Use of Jabez Stratton, in full.

To Nathaniel Sherman, the Sum of three Pounds three Shillings and eight Pence, in full.

To William Lawrence, Esq^r the Sum of two Pounds two Shillings, for the Use of Mary Brown, in full.

To John Brown Esq^r the Sum of two Pounds seven shillings for the Use of Jacob Knight, in full.

To Samuel Phillips Esq^r the Sum of three Pounds eighteen Shillings, for the Use of Moody Bridges, in full.

To M^r James Fowle, the Sum of two Pounds fourteen Shillings and eight Pence, for the Use of Edward Twiss, in full.

To M^r Woodbridge Brown, the Sum of one Pound seven Shillings, for the Use of Jeremy Campbell, in full.

To Cap^t Timothy Metcalf, the Sum of five Pounds, for the Use of George Forrist, in full.

To M^r Solomon Prentice, the Sum of three Pounds, for the Use of Benjamin Pulcifer, in full. [*Passed November 24.*]

CHAPTER 161.

VOTE REMITTING £31. 1. 7 PROVINCE TAX ON THE TOWN OF RUTLAND AND ADDING THE SAME TO THE DISTRICT OF PRINCE TOWN.

A PETITION of John Murray Esq^r of Rutland in behalf of said Town Setting forth That in January last an order passed the General Court for remitting the sum of £31.1.7 to the District of Prince Town (formerly a part of Rutland) and adding the said sum to the Town of Rutlands Tax the present Year, which was to the injury of the said Town, as in the Year 1760 they were Assessed the full proportion set on said Town before Prince Town was taken off from them, altho' they were thus sett off in the year 1759. And Praying Relief.

Legislative
Records of the
Council, xxiv.,
135.

House Jour-
nal, pp. 128, 129.
Province
Laws, iv., 545,
note; xvi., 671,
chap. 228.

[Read and]

Voted That the prayer of this Petition be so far granted as that the sum of Thirty one pounds one shilling and seven pence laid upon the Town of Rutland the present year over and above their proportion of their Taxes be remitted to said Town of Rutland, and that the same be added to the Province Tax that shall be laid on the District of Prince Town for the year 1762. [*Passed November 24.*]

CHAPTER 162.

VOTE GRANTING TO ELIS^a TILLEY LICENCE TO KEEP AN INN.

A PETITION of Elisabeth Tilley of Boston, Setting forth That her Father dyed a few weeks since, having for several Years before his death had a license to be an Innholder and Retailer, who being infirm, the business of the House devolved very much upon the Petitioner: that She hath no other way of supporting herself and the Family in which are several young children, and hath obtained the recommendation of the Selectmen of the Town as an Innholder. And praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered at their next Session to grant her a License for the purpose aforesaid.

Legislative
Records of the
Council, xxiv.,
136. Mass.
Archives, cxi.,
506.

Mass.
Archives, cxi.,
504. House
Journal, p. 143.

Read and

Voted, That the Prayer of the Petition be granted; and that the Justices of the Court of General Sessions of the Peace for the County

of Suffolk, be and hereby are empowered, at their next Term, to grant the Petitioner a Licence, to keep a Tavern, in the House where her late Father dwelt in Boston; the Time for granting Licences being elapsed notwithstanding. [*Passed November 24.*]

CHAPTER 163.

VOTE GRANTING TO MARY SIMPSON LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiv.,
136. Mass.
Archives, cxi.,
503.

Mass.
Archives, cxi.,
501. House
Journal, p. 144.

A PETITION of Mary Simpson of Boston Widow Setting forth That the House where she dwells has been licensed for a Tavern and victualling House for more than thirty Years: that her Brother William Cowell who had kept the same for some Years, had a few days before his Sickness and death obtain'd the approbation of the Selectmen for renewing his License and She hath since his death obtained their recommendation for an Innholder in the same House. And praying That the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant her a License for the purpose aforesaid.

Read and

Voted, That the Prayer of the Petition be granted; and that the Justices of the Court of General Sessions of the Peace for the County of Suffolk, be and hereby are empowered, at their next Term to grant the Petitioner a Licence (if they see fit) to keep a Tavern, in the House where her late Brother dwelt in Boston; the Time for granting Licences being elapsed notwithstanding. [*Passed November 24.*]

CHAPTER 164.

VOTE ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxiv.,
137.

House Jour-
nal, p. 144.
Province
Laws, xv., 230,
chap. 154.
Love's Fast
and Thanks-
giving Days
of New Eng-
land, p. 499.

WHEREAS the 3^d day of December next is appointed to be a day of Public Thanksgiving thrô this Province which happens to be in the same week which the Inferior Court of common Pleas and Court of General Sessions of the Peace for the County of Barnstable are appointed by Law to be held, which renders it very inconvenient for the Justices of said Court, Jurymen and Others concerned to attend the same at that time, Therefore

Voted That the Courts aforementioned that are to be holden by Law on the first Tuesday of December next, be and hereby are adjourned to the last Tuesday of December next to be held at the Court House in Barnstable in the County of Barnstable at ten of the clock in the Forenoon of said day; and all Pleas, Writts, Actions, Suits, Complaints, Processes, Precepts Recognizances and other things whatsoever, returnable or having day or days in the said Courts, shall stand abide and continue unto said adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents contructions and purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding of the same and no adjournment thereof had been made. [*Passed November 24.*]

CHAPTER 165.

ORDER EXTENDING TIME FOR SELLING LAND BANK LOTTERY TICKETS.

WHEREAS this Court at their Session in February 1760 granted a Lottery for raising a sum of money not exceeding Three thousand five hundred pounds to be applied for the redemption of the outstanding Bills and finishing the affairs of the late Land Bank or Manufactory company, and Whereas the time limited for raising said sum has proved altogether insufficient for that purpose, and it having been represented to this Court that at the expiration of the term limited as aforesaid about one half of the tickets of the third Class in said Lottery remained in the hands of the managers of the same undisposed of, and that unless the time for carrying on said Lottery be lengthned out, the design of said Grant will be wholly frustrate. Therefore

Ordered That the further term of six months from the first day of December next be allowed for carrying on said Lottery under the conduct of the same managers and according to the regulations contained and prescribed in the Act for granting the same: and the Commissioners appointed for transacting and finishing the Affairs of said Company are hereby directed to forbear issuing any further assessment against said company until the expiration of said term, unless they have the express order of the General Court therefor. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
138.

Mass.
Archives, civ.,
121. Legisla-
tive Records
of the Council,
xxlii., 221.
House Jour-
nal, p. 139.
Province
Laws, iv., 288,
chap. 25; 352,
note.

CHAPTER 166.

ORDER IMPOWERING THE WEST WING PRECINCT OF RUTLAND TO LEVY A TAX OF TWO PENCE PER ACRE FOR THREE YEARS AND ONE PENNY PER ACRE FOR TWO YEARS NEXT AFTER ON THE LANDS OF THE NON-RESIDENT PROPRIETORS THEREIN.

A PETITION of James Craige of the West Wing Precinct of Rutland in the name and behalf of the said Precinct Praying that a Tax of four pence ~~p~~ Acre be laid on all the Lands therein for five years, that the Inhabitants may be thereby enabled in some measure to build a meeting house & support the Public Worship in the said Place.

The Committee upon the foregoing Petition having reported according to Order Read and Accepted, And

Ordered That there be and hereby is allowed to be raised two pence a year for three years next ensuing and one peny a year for two other years next after upon each Acre of the Lands of the Non-resident Proprietors of the Precinct in the West Wing of Rutland to enable them to build a Meet^s House for the public Worship of God, and for the support of a Gospel Minister in the said Precinct. And the said Precinct are hereby authorised and empowered to appoint suitable persons to assess and collect the Taxes aforesaid. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
112. Mass.
Archives, xiv.,
234.

Mass.
Archives, xiv.,
231. Legisla-
tive Records
of the Council,
xxiv., 139.
House Jour-
nal, pp. 13, 124,
148. Province
Laws, iv., 625,
note.

CHAPTER 167.

ORDER ALLOWING £4 TO SAMUEL STUARD.

Legislative
Records of the
Council, xxiv.,
140. Mass.
Archives,
lxxx., 3.

House Jour-
nal, pp. 125, 146.

A PETITION of Samuel Stuard of Edgartown Setting forth That he was a Soldier in the Pay of the Province at Annapolis Royal in Capt^t Mayhews Company in 1759, and did not receive the Bounty sent thither having been at that time employed at a distance. And Praying an allowance.

Read and

Ordered, That the Sum of Four Pounds be paid out of the publick Treasury to James Athearne Esq^r for the Use of the Petitioner, in full Consideration for the Bounty mentioned. [*Passed November 25.*]

CHAPTER 168.

ORDER IMPOWERING DAVID GORHAM TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiv.,
140.

House Jour-
nal, p. 146.
Province
Laws, ii., 151,
chap. 10.

A PETITION of David Gorham of Barnstable Setting forth That one Joseph Gorham late of Norwalk in the Colony of Connecticut died Intestate and seized of about two acres of Salt Meadow lying in Barnstable, and that his Estate is insolvent; and Joseph Gorham the Administrator hath desired the Petitioner to make sale of the said meadow in order to compleat the Settlement of the Estate. And Praying that he may be enabled to make Sale of the same for the purpose aforesaid.

Read and

Ordered That the Prayer of the Petition be granted; and that the Petitioner David Gorham be, and he is hereby impowered to sell the said deceaseds Real Estate in Barnstable mentioned in the Petition for the most the same will fetch, he first posting up seasonable notifications of the time and place of Sale as the Law directs, and to make and execute a good and sufficient deed or deeds of conveyance thereof in the Law, he giving sufficient security to the Judge of Probate for the County of Barnstable to be accountable for the proceeds of said Sale according to Law. [*Passed November 25.*]

CHAPTER 169.

ORDER ALLOWING OTHNIEL THOMAS, GUARDIAN, THE WAGES DUE PHILLIP THOMAS.

Legislative
Records of the
Council, xxiv.,
141. Mass.
Archives,
lxxx., 5.

Mass.
Archives,
lxxx., 5.
House Jour-
nal, pp. 143, 146.

A PETITION of Othniel Thomas of Topsfield, Guardian to his Brother Philip a Minor of about 17 years of Age Setting forth That the said Phillip served as a Soldier in Cap^t Aaron Willards Company of Col^o Willards Regiment and is made up in Cap^t Willards Roll as a Servant to James Cunnoek, when in fact he was not his Servant. And Praying Relief.

[Read and]

Ordered that the prayer thereof be Granted & that the Wages herein Mention^d be pay^d to the Guardian for the use of the Minor within named. [*Passed November 25.*]

CHAPTER 170.

ORDER ALLOWING £4 TO W^m ARMSTRONG.

A PETITION of William Armstrong of Martha's Vineyard Setting forth, That being a Soldier at Annapolis Royal in Cap^t Mayhews Company, He did in March 1760 inlist for another term in Cap^t Snows Company, but hath never yet received the Bounty for so doing. And Praying Relief.

Read and

Ordered, That the Sum of Four Pounds be paid out of the publick Treasury to James Athearn Esq^r for the Use of the Petitioner, in full Consideration for the Bounty mentioned. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
141. Mass.
Archives,
lxxx., 13.

Mass.
Archives,
lxxx., 13.
House Jour-
nal, pp. 125, 147.
Province
Laws, xvi., 460,
chap. 245.

CHAPTER 171.

ORDER IMPOWERING JONATHAN FOSTER, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Foster of Reading, Guardian of Ebenezer Foster and Samuel Foster Setting forth That they together with their Sister Sarah Foster own about twenty Acres of Land devised to them by their Mother Deborah Foster. That the said Sarah is arrived to the age of 21 years and is about selling her Share, and as the whole is so small a parcell of Land that it will not admit of a division; Praying He may be allowed to make Sale of the said minors Interests therein.

Read and

Ordered That the Prayer of the Petition be granted; and that the Petitioner in his said capacity as Guardian be, and he hereby is impowered to make sale of the Lands mentioned in the Petition for the most the same will fetch, he observing the directions of the Law respecting the sale of Real Estates by Executors and Administrators, and to make and execute a good deed or deeds of conveyance of the same, he first giving security to the Judge of Probate for the County of Middlesex to be accountable for the proceeds of said Sale according to Law. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
141.

House Jour-
nal, p. 147.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 172.

ORDER ALLOWING £4 TO ELIJAH WADSWORTH, ADM^r.

A PETITION of Elijah Wadsworth Administrator of the Estate of Nathanael Wadsworth deceased, Setting forth That the said Nathanael being a Soldier in the Pay of the Province at Louisbourg in 1759 reinlisted into the Service and continued therein until March following and then died; but that the bounty money for reinlisting being not then arrived at Louisbourg, the said Nathanael never received the same, And Praying Relief.

Read and

Ordered, That the Sum of Four Pounds be paid out of the pub-

Legislative
Records of the
Council, xxiv.,
142. Mass.
Archives,
lxxx., 33.

Mass.
Archives,
lxxx., 31.
House Jour-
nal, pp. 125, 147.
Province
Laws, xvi., 460,
chap. 245.

lick Treasury to Andrew Belcher Esq^r for the Use of the Family of the Deceased, in full Consideration for the Bounty mentioned. [*Passed November 25.*]

CHAPTER 173.

ORDER ALLOWING £9. 17. 6 TO JA^s HARRINGTON.

Legislative
Records of the
Council, xxiv.,
142. Mass.
Archives,
lxxx., 19.

Mass.
Archives,
lxxx., 19.
House Jour-
nal, p. 148.

A PETITION of James Harrington Setting forth That in the year 1760 his Servant Daniel Druce a Soldier in the pay of the Province returned home from the Army sick of the small pox, and remained very ill for full four months after his return and still continues unable to do any business, And Praying Relief.

Read and

Ordered that the sum of Nine pounds seventeen Shillings and sixpence be paid out of the publick Treasury to Tim^o Paine Esq^r for the Use of the Pet^r in full. [*Passed November 25.*]

CHAPTER 174.

ORDER ALLOWING £6. 16 TO JN^o HIND.

Legislative
Records of the
Council, xxiv.,
143. Mass.
Archives,
lxxx., 794.

House Jour-
nal, p. 148.

A PETITION of John Hind¹ of Brimfield, Setting forth That in the year 1760. He was a Soldier in the Pay of the Province and returning home from the Army with the Small pox communicated the distemper to his Wife and six children, (two of whom died with it) and occasioned him great Expence. And Praying an Allowance.

Read and

Ordered that the Sum of Six pounds Sixteen Shillings be paid out of the publick Treasury to Maj^r Daniel Burt for the Use of the Pet^r in full. [*Passed November 25.*]

CHAPTER 175.

ORDER ALLOWING £4. 17. 10 TO JOSIAH ROBINSON.

Legislative
Records of the
Council, xxiv.,
143. Mass.
Archives,
lxxxix., 785.

Mass.
Archives,
lxxxix., 784.
House Jour-
nal, p. 148.

A PETITION of Josiah Robinson of Charlton Setting forth That being a Soldier in the Pay of the Province in 1759, He was charged with the care of one Benjamin Harris and afterwards with that of his own Son William Robinson who were likewise Soldiers in the Service, both of whom were sick, and died; the charge of whose Sickness and burial was defrayed by the Petitioner. And Praying an allowance.

Read &

Ordered that the Sum of four pounds seventeen Shillings and ten pence be paid out of the publick Treasury to Cap^t John Brown for the Use of the Pet^r in full. [*Passed November 25.*]

¹ The House Journal, p. 148, reads, "*John Hynde.*"

CHAPTER 176.

ORDER CONFIRMING THE VALIDITY OF A DEED TO JOSEPH GRAVES.

A PETITION of Joseph Graves, Setting forth That in the Year 1759. He undertook the support of Abigail Speen an Indian, and paid for her the value of certain Lands which she had intermixed with Lands which the Petitioner had before purchased of the said Abigail and the heirs of her late Husband James Speen. That the said Abigail while he the Petitioner was in the Public Service made a deed of the said Land for satisfying the debts aforesaid, but not in all respects according to Law, and died, And praying that the said Lands may be confirmed to him.

Read and

Ordered That the deed from Abigail Speen to Joseph Graves dated September 3^d 1759. and referred to in this Petition be, and hereby is declared to be as good and valid in law to all intents and purposes as if the Consent of this Court to the sale of the Lands granted by said Deed had been obtained before the time of executing thereof. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
143.

House Jour-
nal, pp. 137, 150.

CHAPTER 177.

ORDER ALLOWING £2. 8 TO JOS: BOURN.

A PETITION of Joseph Bourn¹ of Falmouth in the County of Barnstable Praying an Allowance of his expence occasioned by the Sickness of his son in Law Benjamin Hathaway a Soldier in the Pay of the Province on his Return from Louisbourgh.

Read and

Ordered that the Sum of Two pounds eight Shillings (exclusive of the Doctors Bill) be paid out of the publick Treasury to Cap^t Joseph Robinson for the Use of the Pet^r in full. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
140. Mass.
Archives,
lxxx., 14.

Mass.
Archives,
lxxx., 14.
House Jour-
nal, p. 149.

CHAPTER 178.

ORDER ALLOWING 40/ TO JOSHUA WILLIS.

A PETITION of Joshua Willis of Middleborough Praying an allowance of sundry disbursments on account of himself and divers other Soldiers on their Return from the Army.

Read &

Ordered that the Prayer of the Petition be so far Granted as that the Petitioner be allowed & paid out of the publick Treasury the Sum of forty shillings in full for the money he expended on the Invalids mentioned in the Petition To be p^d to Cap^t Eben^r Sprout for his Use. [*Passed November 25.*]

Legislative
Records of the
Council, xxiv.,
144. Mass.
Archives,
lxxx., 38.

House Jour-
nal, pp. 147, 149.

¹ The House Journal, p. 149, reads, "*Boven.*"

² The date of final concurrence in the Council is given in Mass. Archives as November 24, evidently a mistake, as the same order states that its reading in the House occurred on November 25.

CHAPTER 179.

ORDER ALLOWING £9 TO THE TOWN OF LYNN.

Legislative
Records of the
Council, xxiv.,
144. Mass.
Archives,
lxxix., 704.

Mass.
Archives,
House Jour-
nal, p. 149.

A PETITION of Benjamin Newhall Esq^r in behalf of the Town of Lynn, Praying an allowance of their expence on one John Downing a poor person who served as a Soldier in the pay of the Province and brought the small Pox home with him.

Read and

Ordered that the Sum of Nine pounds be paid out of the publick Treasury to Benjamin Newhall Esq^r for the Use of the Town of Lynn in full. [*Passed November 25.*¹

CHAPTER 180.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING £1. 11. 6 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
139. Mass.
Archives, cxx.,
397.

House Jour-
nal, p. 150.
Province
Laws, xvi., 688,
chap. 268.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee and China ware in the County of Essex made report That they had sold the same to M^r Jacob Ashton for £280 and delivered his Bond to the Province Treasurer; And Praying Allowance for their charge and expence 31/6.

Read and Accepted and

Ordered that the sum of One pound eleven Shillings and Six pence be paid out of the publick Treasury to the Comm^{ee} for their Expenses in this Matter. [*Passed November 26.*²

CHAPTER 181.

ORDER DIRECTING A NEW BOAT TO BE PROCURED FOR THE LIGHT HOUSE SERVICE.

Legislative
Records of the
Council, xxiv.,
146.

House Jour-
nal, pp. 115, 151.
Ante, p. 49,
chap. 114.

A MEMORIAL of Robert Balls, Keeper of the Light House Setting forth That in a very severe storm on the 23^d day of October last, the Province Boat parted from her Moorings, went ashore and stove to pieces, And praying That this Court would take the same into consideration and give such Orders therein as they shall judge proper.

Read and

Ordered That a new Boat be procured by the Committee appointed by both Houses to take care of the Repairs at the Light House of twenty eight feet keel and decked. [*Passed November 26.*

¹ The date of final concurrence in the Council is given in Mass. Archives as November 24, evidently a mistake, as the same order states that its reading in the House occurred on November 25.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 25.

CHAPTER 182.

VOTE IN REGARD TO AN ALLOWANCE TO ISRAEL FELIX, INDIAN.

A PETITION of Israel Felix of Middleborough, Indian Setting forth That there is in the hands of the Guardians of the Indians in the County of Plymouth about £53.6.8 due to his deceased Father Thomas Felix That the Petitioner is involved in debt on account of some purchases he has made, and for the support of his Father in his old Age. And Praying that the Guardians may be impowered to pay him so much of said money as will free him from his Incumbrances.

[Read and]

Voted that the Prayer of the Petition Be So far Granted as that the Guardians of the Indians for the County of Plymouth be & are hereby Impowered to Inquire into the Debts of the Petitioner, the Originall Grounds of them or for what Causes they Became Due, And Such of them as Shall appear to be Just and Equitable, they allow & pay out of the monies in their Hands of His father Thomas Felix Deceased. [*Passed November 26.*]

Legislative
Records of the
Council, xxiv.,
147. Mass.
Archives,
xxxiii., 176.

Mass.
Archives,
xxxiii., 173.
House Jour-
nal, pp. 149, 154.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 183.

ORDER ALLOWING £100 AND A FURTHER SUM OF £9.12 TO THO^S GOLD-
THWAIT, ESQ^R.

A MEMORIAL of Thomas Goldthwait Esq^r Setting forth That in consequence of a Resolve of this Court to pay their Troops one half of their Wages in the Field the last Year, He was appointed Paymaster and proceeded to Crown Point, and paid the Soldiers there and at other Posts agreeable to said order, and was obliged to keep accounts with upwards of four thousand Men, for which he hath not as yet received any consideration, And Praying an allowance,

Read and

Ordered that the Sum of One hundred pounds be paid out of the publick Treasury to the Pet^r in full for his Services mentioned.

And that the further Sum of Nine pounds twelve Shillings be allowed him in consideration of the Loss of that Sum in Negotiating said affairs. [*Passed November 26.*]

Legislative
Records of the
Council, xxiv.,
147. Mass.
Archives,
lxxx., 620.

Mass.
Archives,
lxxx., 619.
House Jour-
nal, p. 153.
Province
Laws, xvi., 611,
chap. 39.

CHAPTER 184.

ORDER ALLOWING 40/ TO THO^S WILKINS.

A PETITION of Thomas Wilkins of Middleton in the County of Essex Praying an allowance of his charge in going as far as Green Bush in order to bring home his Son Elias Wilkins a Soldier in the Pay of the Province, upon receiving advice of his said Sons Sickness,

Read and

Legislative
Records of the
Council, xxiv.,
147. Mass.
Archives,
lxxx., 2.

Mass.
Archives,
lxxx., 1.

House Jour-
nal, pp. 153, 154.

Ordered that the Sum of forty Shillings be paid out of the public Treasury to M^r Thomas Porter for the Use of the Pet^r in full. [*Passed November 26.*]

CHAPTER 185.

ORDER ALLOWING £9 TO DAN^L MOORS.

Legislative
Records of the
Council, xxiv.,
148.

Mass.
Archives,
lxxx., 25, 26.
House Jour-
nal, pp. 138, 153.
Province
Laws, xvi., 460,
chap. 245.

A PETITION of Daniel Moors of Haverhill Setting forth That he hath served divers Campaigns as a Sergeant, and in the year 1759 as a Lieutenant; that in the Year 1760 he inlisted more than twenty men and received Orders from Col^o Willard as a Lieutenant but that he is made up in the Roll only as a Private. That he is in arrears to the Province Treasurer more than Fifty pounds for which he hath been sued. And praying that he may be allowed further for his Service.

[Read and]

Ordered That there be allowed out of the Public Treasury to the Petitioner the sum of Nine pounds being the Bounty allowed to Private Soldiers in the year 1760, which Bounty it appears he has never yet received, and that he have credit for the said Sum upon his Bond given to the Treasurer. [*Passed November 26.*]

CHAPTER 186.

ORDER GRANTING TO PEREZ TILSON LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
148. Mass.
Archives, cxx.,
392.

A PETITION of Perez Tilson of Plymouth, Setting forth That he has heretofore been a Retailer in Plymouth, but that having been for divers years past in the Army he hath not since renewed the License. And Praying that the Court of General Sessions of the Peace may be impowered at their next term to grant him a License.

Read &

Ordered that The Next Court of General Sessions of the Peace For the County of Plymouth be and hereby are Impowered to License the said Perez Tilson To Retail Strong Liquors in Plymouth he first obtaining the approbation of the select men of s^d Town of Plymouth for that Purpose The Time for Granting Licences in said County being Relapsed¹ Notwithstanding.² [*Passed November 26.*]

CHAPTER 187.

ORDER ALLOWING £4 TO NOAH M^CINTIRE.

Legislative
Records of the
Council, xxiv.,
148. Mass.
Archives,
lxxix., 703.

A PETITION of Noah M^cIntire of Charlton Setting forth That in the year 1758. He inlisted as a Soldier under Cap^t Dresser, but never received the Bounty nor any billeting money. And Praying an Allowance.

¹ Sic.

² Not found in the House Journal.

Read and

Ordered that the Prayer of the Petition be So far Granted as that there be allowed & paid out of publick Treasury To Moses Marcey Esq^r for the Use of the Pet^r the Sum of four pounds in full of his Bounty mentioned in the Petition. [*Passed November 26.*]

Mass.
Archives,
lxxix., 702.
House Jour-
nal, pp. 136, 151.

CHAPTER 188.

ORDER IMPOWERING JOSEPH JACKSON, GUARDIAN, TO JOIN WITH OTHERS IN DISPOSING OF LAND.

A PETITION of John Stevens and Martha his Wife, Anthony Stoddard and Joseph Jackson, Guardian of Simeon Stoddard a person Non compos. Setting forth That the said John and Martha in her right and the said Simeon and Anthony are interested in certain Lands called equivalent Lands formerly in this Province, now claimed by the Province of New Hampshire which same Lands are held by Grant from said Province of New Hampshire subject to certain conditions of Settlement which if not complied with the said Lands become forfeit. And Praying that the said Joseph Jackson as Guardian of the said Simeon may be authorised and impowered in behalf of said Simeon to join with the other Petitioners in fulfilling the said conditions of Settlement.

Read and

Ordered That the Prayer of this Petition be so far granted as that the Petitioner Joseph Jackson in his capacity of Guardian to the said Simeon Stoddard be and hereby is authorised and impowered to join with the other persons interested in the Lands mentioned in Grants of such parcells of said Lands as shall induce persons to settle on said Lands so as to prevent a forfeiture of the Original Grant of the same Lands and for that purpose to make and execute a legal deed or deeds of conveyance of such parcells of Lands to the Persons who shall settle on the same. [*Passed November 26.*]

Legislative
Records of the
Council, xxiv.,
149.
House Jour-
nal, pp. 117, 152.

CHAPTER 189.

ORDER ALLOWING £40 TO JOS: PEABODY.

A PETITION of Joseph Peabody, a Commissary in the Crown Point Expedition in 1756. Praying an Allowance for the Provisions he supplied the Province Troops withal during the Campaign amounting according to his computation to £728.1.2.

Read and

Ordered that the Sum of forty pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Services and expences mentioned. [*Passed November 26.*]

Legislative
Records of the
Council, xxiv.,
149. Mass.
Archives,
lxxx., 43.
Mass.
Archives,
lxxx., 41.
House Jour-
nal, pp. 119, 127,
146.

CHAPTER 190.

ORDER GRANTING TO SARAH SHIRTLIFF LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
149. Mass.
Archives, cxx.,
391.

Mass.
Archives, cxx.,
390.

A PETITION of Sarah Shirliff of Plymouth Setting forth That in October last She obtained a License to sell spirituous Liquors by retail in the House where she then dwelt, that she is since removed to another House, and can have no benefit of the said License therein. And Praying She may be enabled to exercise her License in the House she is removing into for the term for which She was Licensed.

Read. and

Ordered that the Petitioner Sarah Shurtleif be &, hereby is Impowered to use & Improve her License for Retailing Strong Liquors in the house she is Removing or Removed to as fully to all Intents as in the house where she Dwelt when She Received her License for the Remaining part of y^e time She was Licensed for by the Court of General sessions of the Peace for y^e County of Plymouth.¹ [*Passed November 26.*]

CHAPTER 191.

ORDER DEDUCTING £21. 9. 8. 1 FROM NATICK AND ADDING THE AMOUNT TO THE TAX OF NEEDHAM.

Legislative
Records of the
Council, xxiv.,
150.

House Jour-
nal, p. 151.
Province
Laws, iv., 545,
note.

Ordered That the Sum of Five shillings and eight pence three farthings be paid by the Town of Needham to a thousand pounds over and above what they were set at in the Settlement of Valuation, which makes the sum of twenty one pounds nine shillings and eight pence one farthing to the present Tax over and above what they are assessed at, and that said Sum be taken from the present Tax laid upon the Parish of Natick, and added to the Town of Needham, and that the Assessors of Needham be directed to assess said sum accordingly, with the present Tax laid on said Town. [*Passed November 26.*]

CHAPTER 192.

ORDER ALLOWING 18/ TO EDWARD SEAGRAVE.

Legislative
Records of the
Council, xxiv.,
150. Mass.
Archives,
lxxix., 786.

House Jour-
nal, p. 154.

A PETITION of Edward Seagrave of Uxbridge Praying an allowance of his charge going to fetch home his sick Brother John Seagrave a Soldier in the Pay of the Province from the Army.

Read and

Ordered that the Sum of eighteen Shillings be paid out of the publick Treasury to Cap^t Solomon Wood for the Use of the Pet^r in full. [*Passed November 26.*]

¹ Not found in the House Journal.

CHAPTER 193.

ORDER ALLOWING 40/ TO PAUL AVERIL.

A PETITION of Paul Averil of Middleton Praying an allowance of his charge going to Green Bush to bring home his sick son, a Soldier in the Pay of the Province from the Army.

Legislative
Records of the
Council, xxiv.,
151.

Read and

House Jour-
nal, p. 154.

Ordered That the sum of forty shillings be paid out of the Public Treasury to M^r Thomas Porter for the use of the Petitioner in full. [*Passed November 26.*]

CHAPTER 194.

RESOLVES AND ORDERS IN REGARD TO THE BOUNDARY LINES OF
NEW MARBLEHEAD.

UPON THE PETITION of Nathan Bowen and Others, Grantees of a Township called New Marblehead in the County of Cumberland and the Report of a Committee of the General Court thereon.

Legislative
Records of the
Council, xxiv.,
152.

Resolved and

House Jour-
nal, p. 155.
Province
Laws, iv., 626,
note; xvi., 677,
chap. 241.

Ordered That the Bounds between the said Township of New Marblehead and the Towns of Falmouth and North Yarmouth be as follows viz^t Beginning at a White Rock by the Water side in Casco Bay and running North west ninety five rods to the Stump of a red oak tree which was formerly marked **F**. and from thence Northwest on the line between the Towns of Falmouth and North Yarmouth eight miles to a Pine tree marked **F** for the northwest corner of the said Town of Falmouth and from thence the Lines between said Towns of Falmouth and the said New Marblehead to run on a strait Line to come fifteen rods to the Eastward of a Brook called Inkhorn Brook below the mouth of the said Brook where it enters into the River called Pesumpscot River to run again from the said Pine Tree back on the line of Falmouth ninety five rods to the South east corner of North Yarmouth being a stake, and from thence Northeast three miles on the Bounds between North Yarmouth and New Marblehead to the Line of New Boston. And that the Lines between New marblehead and the Towns of Falmouth and North Yarmouth be fixed and established as before mentioned,

It is further

Resolved and

Ordered That Lot N^o 1 in the second hundred acre division of Lots in the said Township of New Marblehead, which Lot is bounded on the fifty fifth and fifty sixth Lots in the first division of hundred acre Lots be set off and established for a School Lot in the said Township in the room of the forty fourth Lot which was taken from the School for the Minister. [*Passed November 27.*]

CHAPTER 195.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN
GOVERNMENT SECURITIES.

Legislative
Records of the
Council, xxiv.,
153. Mass.
Archives, civ.,
96.

Mass.
Archives, civ.,
94. House
Journal, pp. 48,
155. *Ante*,
p. 14, chap. 22.

THE COMMITTEE appointed to repair to the Treasurers and take an account of the Government Securities that he has redeemed and see them burnt and consumed to Ashes have attended that service and have received of the Treasurer Government Securities payable in June 1759 amounting to Two thousand three hundred twenty four pounds eighteen shillings and three pence which with the interest of Three hundred eighty two pounds ten shillings and seven pence paid thereon amounts to Two thousand seven hundred and seven pounds eight shillings and ten pence. Also Government Securities payable in June 1760. amounting to seventeen thousand thirty two pounds six shillings and four pence, which with the interest of eighteen hundred and forty pounds fourteen shillings paid thereon makes Eighteen thousand eight hundred seventy three pounds and four pence. Also Government Securities payable in June 1761 amounting to seventy eight thousand seven hundred and twenty pounds fifteen shillings which with the interest of Four thousand nine hundred ninety seven pounds six shillings and nine pence paid thereon amounts to Eighty three thousand seven hundred eighteen pounds one shilling and nine pence. Also Government Securities payable in June 1762. amounting to thirty eight thousand nine hundred sixty four pounds seventeen shillings and three pence which with the Interest of seventeen hundred and four pounds three shillings and one penny paid thereon amounts to forty thousand six hundred and sixty nine pounds and four pence, all which sums amount to One hundred forty five thousand, nine hundred sixty seven pounds eleven shillings and three pence, which several Securities we have seen burnt and consumed to Ashes.

Read and

Ordered that this Report be accepted. [*Passed November 27.*]

CHAPTER 196.

Legislative
Records of the
Council, xxiv.,
154. Mass.
Archives,
xxxiii., 185.

Mass.
Archives,
xxxiii., 177-
184. House
Journal,
pp. 144, 153.
Province
Laws, xvi., 241,
chap. 76, note.

ORDER ACCEPTING THE ACCOUNT OF THE GUARDIANS OF MASHPEE
INDIANS.

AN ACCOUNT of the Guardians of the Mashpee Indians signed Nymphas Marston was laid before the Court for allowance, upon which the following Order passed viz^t

Read and

Ordered that this Account be allowed and that the Ballance thereof being Nineteen pounds three Shillings and three pence The said Guardians are further Accountable for. [*Passed November 27.*]

CHAPTER 197.

ORDER ALLOWING £9.9 TO HENRY ROGERS.

A PETITION of Henry Rogers of Harwich Setting forth That He was a Soldier in the Pay of the Province in Cap^t Wests Company in 1760, and was made up in the said Captains Roll accordingly; but that to his great surprize when he applied to the Treasurer for his Pay he found the Roll was signed with his name, but not by himself or any other person by his order, by which means he is prevented receiving his just due. And Praying Relief.

Read and

Ordered that the Sum of Nine pounds Nine Shillings be paid out of the publick Treasury to the Petitioner in full for his Wages mentioned. [*Passed November 27.*]

Legislative
Records of the
Council, xxiv.,
154. Mass.
Archives,
lxxx., 49.

Mass.
Archives,
lxxx., 48.
House Jour-
nal, pp. 151, 161.

CHAPTER 198.

ORDERS ACCEPTING REPORT OF COMMITTEE ON COMPLAINT OF CHAP-PAQUIDIC INDIANS AND APPOINTING A COMMITTEE TO PROSECUTE TRESPASSERS ON THE LANDS THEREOF.

THE COMMITTEE appointed to hear, consider and report upon the Complaints of the Chapaquidic Indians arrived at Edgartown the 21st of August 1761, the same day took the names of the English Settlers upon the Island Chapaquidic, & notified them; the Indians and their Guardians to attend your Committee the next day in the Court House at Edgartown; The Committee attended accordingly; but the day proving very stormy the Parties did not attend: The Committee adjourned to the next monday at three of the Clock P:M: and gave notice of the same to all concerned.

In the forenoon of said Day two of your Committee went over to said Island, and viewed the English Settlements made thereon, and the Trespasses there committed; whilst one of your Committee searched the Records of Deeds for said County, in Order to lay before your Excellency and Honours the names of the several Grantors and Grantees since the 16th day of December Anno Domini 1715; the Quantity of Land purchased, the Purchase consideration; and when the same was purchased; when and in what Books recorded: All which is annexed to and made part of this Report. In the Afternoon of the same day, your Committee met at the Court House to hear the Parties; and they were heard upon all matters and Things committed to our consideration, on that Day and the Day after: and upon the whole your Committee report as follows.

That there was formerly a very great controversy between the English and Indians, relative to the Lands at Chapaquidic: That for a final Settlement of the same; on the 30th of October 1713, their Sachem of Chapaquidic and the Indians on the one part; and the English Proprietors and Inhabitants of the Town of Edgartown on the other part, mutually agreed, desired and empowered his Excellency Governor Dudley; the Honourable William Tailer Esq^r Lieutenant Governor; the Honourable Samuel Sewall, Penn Townsend and John Cushing Esq^{rs} then of his majesty's Council, to

Legislative
Records of the
Council, xxiv.,
154.

House Jour-
nal, pp. 157–160.
Province
Laws, ix., 318,
chap. 108; xvi.,
706, chap. 319.

settle and determine all their controversies and Disputes, touching and concerning the Claim, Interest and Improvement, Right, Title and Possession of and in said Island of Chapaquidic, and the neck thereto adjoining, commonly called memenshau; who (to use the words of those very respectable Gentlemen) took upon them the Arbitrament, being willing absolutely to determine and make a final Issue of, and amicably to adjust all their Differences, disputes and Contests; having fully heard, and understood the Pleas, Pretensions and Allegations of both Parties by their Attornies and Substitutes respectively, and perused, examined and deliberated on all Grants, Papers, Matters and Things disclosed or produced by either Party, as the cause of their Variance, did on the 16th day of December 1715, make, publish and declare in Writing under their Hands and Seals, deliver'd in Presence of the Honourable E: Hutchinson and John Appleton Esq^{rs} then of his majesty's Council their Award and Determination between said Parties concerning the Premises in manner and Form following, That is to say.

Imprimis, We Award and determine, that the English Inhabitants of Edgartown, who long since purchased the Soil of the said Tract Memenshau, shall have, and hold and enjoy the same to them, their heirs and Assignes forever, as a good Estate of Inheritance in Fee simple according to their several Rights, Purchases and Possessions for all Times past, saving thereout unto the said Secknout's son one eleventh Part or two two and thirtieth Shares thereof.

Secondly, We award, that the said Indian Sachem Secknout and his People and their Posterity shall forever hereafter jointly hold, possess and enjoy the Soil of Chapaquidic aforesaid, to be never alienated, sold or conveyed away in whole or in Part without the consent of his majesty's Government of the Province of the Massachusetts Bay.

Thirdly, That the said English Inhabitants of Edgartown aforesaid shall have, and hereby are established in the Right of mowing the Saltmarsh or Meadows at all Times hereafter, as they had formerly enjoyed, saving unto the said Indian Sachem and People the Uplands and the Wabsquan Grass for their Horses, and the Reles of their Matts, they paying one shilling an acre annually to the Indian Sachem and his heirs as an Acknowledgment for the same.

Fourthly, That the Winter Herbage of the said Island of chapaquidic shall be held and enjoyed in common by the said English and Indians as stinted for the number of great cattle, Goats and Sheep, to be brought on the 20th of October and taken off the 25th of March Yearly; the said English Owners paying unto the said Sicknout and his People the fifteenth Goat & for every fatted Beast one shilling and six pence Current money of new England Annually.

Lastly. That the Number of English great Cattle, shall not exceed one Hundred, the said Sachem Sicknout and his Indian People having the like Liberty of keeping one hundred great Cattle or an Equivalent number of Goats, Sheep and Horses, if either the English or Indians see Cause; five Sheep or Goats to be accounted in lieu of one Cow, and one Horse instead of two great Cattle; and that the said Indian Sachem Sicknont shall Yearly chuse a suitable Person to take an Account and make an Entry of the Cattle that shall be put on the said Island according to this our award; and that the Wood growing thereupon be secured for the

Indians Use, being not to be sold or transported off the said Island upon any Pretence whatsoever. In Witness whereof We have hereunto set our hands and Seals this sixteenth day of December Anno Domini 1715 Annoqui Regis Georgii magnæ Britanniae et Secundæ.

J DUDLEY and a Seal

W^m TAILER and a Seal

SAM^l SEWALL and a Seal

PENN TOWNSEND and a Seal

JOHN CUSHING and a Seal

Signed, Sealed & Delivered in Presence of Us

E HUTCHINSON.

JOHN APPLETON.

Which final Determination of their's was in council the 19th of the same December read and approved, and sent down for concurrence, attested Samuel Woodward Secretary; and on the 20th of said December concurred by the Honourable House of Representatives and consented to the same day, Recorded in the Records of the General Court, and in the Records of Land for the County of Dukes County: Which Settlement your Committee is fully of the opinion, ought to be binding upon both Parties; but a Number of the English have been, and are of another Mind, and have broke thro' said Settlement, in open contempt of the same, and the Order of the Great and General Court thereon, and the Laws of this Province in that case made and provided, have since said Settlement without any leave or License erected nine Houses upon the Indians Lands there; have made upwards of sixty Purchases of Land, containing by Estimation two Thousand acres or more of great Value, and for very trifling inconsiderable considerations; have cut and carried off more than five hundred Cords of Wood; put on by far more Cattle than by said Settlement they were allowed to do, and kept them on much longer, have not paid them the one shilling and six pence for every fatted Beast thereon, nor the fifteenth Goat agreeable to said Determination; and that even their planting Rights which their Ancestors held and possessed beyond the memory of man, are taken from them; and that when they looked for Judgment they found no Relief; two of their Guardians being Purchasers or Possessors of the Lands which your Committee apprehend belongs to the Indians; and thus have had no help from them, as justly might have been expected, but quite the contrary; numbers of Actions being brought against said Indians, tried by one of the Guardians Purchaser as aforesaid, whose Judgment hath led him to bind them over to the Inferior Court or to give against said Indians; large Bills of Cost have been the consequence, paid either by more Lands being sold, or the Indians bound out to go on Whaling Voyages, or other Services.

These are the principal Grievances, that the poor Indians at Chapaquidic, or that are Proprietors there have and do labour under, and which ought to be redressed. Wherefore,

We humbly propose, That this Court would be pleased to authorize, direct and empower some meet Person or Persons to prosecute the Trespassers: those that are in Possession of the Indians Lands as aforesaid, and those that are indebted to them, in Consequence of said Determination, and Order of Court; and that in Faithfulness to said Indians, the Actions brought as aforesaid might originate in the County of Barnstable, where by Law all Appeals from the Inferior Court in Dukes County are tried; And also that the

same Person or Persons be fully impowered and directed to prosecute from time to time any Person or Persons that shall hereafter presume to cut, or carry off any more of the Wood on the Island Chapaquidic, reserved as beforementioned, or that shall purchase any more of said Lands there: And that the Indians Inhabitants on said Island in Number 65, besides a number of Proprietors, not residing there, that their Interest on or arising from said Island, for the future, be improved for their Benefit, in such Way and manner, and by such Persons as your Excellency and Honours shall judge best; (two of the present Guardians being excused from that Trouble.)

All which is humbly submitted

(Signed) W^m BRATTLE by order of the Committee

In Council Read and Accepted. And

Ordered That William Brattle Esq^r with such as the honourable House shall join be a Committee to prosecute the Trespassers on the Indian Lands at Chapaquidic, and those who are in possession of their Lands, and also those that are indebted to them in consequence of a determination and order of Court of the 19th and 20th of December 1715; and that the said Committee be also impowered and directed to prosecute from time to time any Person or Persons that shall hereafter cut or carry off any more of the Wood on the Island Chapaquidic reserved by virtue of the determination and order aforesaid, or who shall purchase any more of their said Lands. And it is further

Ordered that all such Actions shall be originally brought in the County of Barnstable where by Law all Appeals from the Inferior Court in Dukes County are tried: and the Justices of the Inferior Court of common Pleas for the County of Barnstable are hereby fully authorised and impowered to take cognizance of hear and try all such Actions, to give Judgment therein and Award execution thereupon.

In the House of Representatives Read and Concurred and M^r Speaker and Thomas Foster Esq^r are joined in the Affair. [*Passed November 27.*]

CHAPTER 199.

ORDER ALLOWING £3. 4 TO JOS: GRAVES.

Legislative
Records of the
Council, xxiv.,
143. Mass.
Archives,
lxxx., 45.

Mass.
Archives,
lxxx., 44.
House Jour-
nal, p. 156.

A PETITION of Joseph Graves Setting forth That being a Soldier the last year in the Pay of the Province, was taken sick on his way home, and continuing sick at a public House for fourteen days was obliged to sell his Blanket and every thing he had with him except necessary Cloathing to bear his expences, and on his return home continued sick all the Winter, and at length lost the sight of one of his Eyes. and Praying an allowance.

Read and

Ordered that the sum of three pounds four shilling's be paid out of the publick Treasury to Joseph Buckminster Esq^r for the use of the Pet^r in full. [*Passed November 28.*]

CHAPTER 200.

VOTES ALLOWING £60 AND A FURTHER SUM OF £22.14.8 TO ROBT^T BALLS.

A PETITION of Robert Balls Keeper of the Light House Praying an Allowance for his last Years service in that capacity, his 28th Year therein expiring the 19th Instant. And further praying an Allowance of the sum of £22.14.8 which he hath disbursed for Firewood for the benefit of the Light.

Legislative
Records of the
Council, xxiv.,
168. Mass.
Archives,
lxvi., 161.

[Read and]

Voted, That the Sum of Sixty Pounds be allowed and paid out of the publick Treasury to the Petitioner for his Services in taking Care of the Light House, ending the 19th Day of November 1761. Also,

Mass.
Archives,
lxvi., 160.
House Jour-
nal, pp. 151, 156.

Voted, That the further Sum of Twenty two Pounds fourteen Shillings and eight Pence, be allowed and paid the Petitioner in full of his account for Fire-wood expended for the Benefit of the Lights during that Time. [*Passed November 28.*]

CHAPTER 201.

VOTE ALLOWING £2. 16. 10 TO JOS: BENSON.

A PETITION of Joseph Benson of Mendon Setting forth That in the Year 1759 he was chosen Constable and had committed to him a rate or Tax to collect amounting to £102 assessed upon the People called Quakers in the said Town, that soon after the Tax was committed to him, he received directions from the General Court not to proceed in collecting the said Tax until further order; that when he had received such further order he proceeded to collecting the money, and did accordingly receive the same; excepting as follows viz^t of Benjamin Thayer £1.9.5 of Job Hardy £1.7.5 of Samuel Basset 13/8 of Daniel Southwick £1.9.5 of Benjamin Cook £1.7.5 and Daniel Cook £1.7.5. That in the interval of the two orders aforesaid, Benjamin Thayer died leaving no Estate, and Job Hardy and Daniel Southwick quitted the Province leaving no Estate, nor have the two Cooks or Bassett any Estate whereon to levy the Tax. And Praying that he may be acquitted of the several sums beforementioned,

Legislative
Records of the
Council, xxiv.,
169. Mass.
Archives, xiv.,
240.

Mass.
Archives, xiv.,
239. House
Journal, pp. 90,
91, 152. Prov-
ince Laws, iv.,
339, note; xvi.,
491, chap. 329.

Read and

Voted that The sum of 29^s/5^d The Tax Laid on Benjamin Thayer & the sum of 27^s/5 The Tax Laid on Job hardy in the whole two Pound Sixteen shillings & Ten Pence be allowed & Paid out of the Province Treasury to the Petitioner Joseph Benson & that Said Sum be p^d to m^r Nathaniel Nelson For the use of the Petitioner. [*Passed November 28.*]

CHAPTER 202.

ORDER ALLOWING £4 TO NATHANAEL STOW.

Legislative
Records of the
Council, xxiv.,
169. Mass.
Archives,
lxxix., 793.

Mass.
Archives,
lxxix., 792.
House Jour-
nal, p. 156.

A PETITION of Nathanael Stow of Framingham Setting forth That he was a Soldier in the pay of the Province in 1760, in Cap^t Jones's Company: that after the Reduction of the Enemy's Country he was sent off with other Invalids and attempted to return home on foot, but finding himself unable, he hired a man and horse to bring him home, and continued sick for seven weeks after his return. And Praying an allowance,

Read and

Ordered that the sum of four pounds be paid out of the publick Treasury to Eliphalet Pond Esq^r for the Use of the Pet^r in full. [*Passed November 28.*]

CHAPTER 203.

ORDER ALLOWING £7. 10. 6 TO ISAAC FRAZER.

Legislative
Records of the
Council, xxiv.,
169. Mass.
Archives,
lxxx., 23.

Mass.
Archives,
lxxx., 22.
House Jour-
nal, p. 149.

A PETITION of Isaac Frazer Setting forth That He was a Soldier in the Pay of the Province in 1760, and was dismissed the service at Crown Point the 18th of November, bringing the Small Pox home with him which confined him to the House forty days, and for nine weeks afterwards he was unable to do any business, thereby occasioning him great Expence. And Praying an Allowance.

Read and

Ordered that the Sum of Seven Pounds ten Shillings and Six pence be paid out of the publick Treasury to Tho's Morey Esq^r for the Use of the Pet^r in full. [*Passed November 28.*]

CHAPTER 204.

ORDER ALLOWING £5. 10 TO ISAAC WHEELER, ADM^R.

Legislative
Records of the
Council, xxiv.,
170.

House Jour-
nal, p. 162.

A PETITION of Isaac Wheeler Administrator of the Estate of Isaac Wheeler late of Malden deceased Setting forth That the said Isaac, his Father went into the Service in the Year 1760 and upon his return home broke out with Small Pox and died. And praying an Allowance for the expence occasioned thereby.

Read and

Ordered That the sum of Five pounds ten shillings be paid out of the Public Treasury to M^r Ezra Green for the use of the Petitioner in full. [*Passed November 28.*]

CHAPTER 205.

VOTE IMPOWERING ELIS^A KENNEY, ADM^N, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisabeth Kenney of Chatham Administratrix of the Estate of John Kenny deceased. Setting forth That the said deceased's personal Estate is insufficient to pay his debts, and the Real Estate consists of one-half an old dwelling House and about three Acres of Land apprizd at £26 that the Rents of the House will not keep it in repair, and the deceased left only one Child now about five Years of age, And Praying liberty to sell the same.

Legislative
Records of the
Council, xxiv.,
170.

House Jour-
nal, p. 161.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted That the Prayer of the within Petition be so far granted as that the Petitioner in her said capacity of Administratrix be and hereby is authorized and impowered to make sale of the House and Lands mentioned for the most the same will fetch, to make and execute a good and sufficient deed or deeds of conveyance thereof; She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Barnstable, that the produce arising by such Sale shall be applied for the purposes mentioned in said Petition, and the Overplus (if any there be) she be accountable for agreeable to Law. [*Passed November 28.*]

CHAPTER 206.

ORDER ALLOWING £8. 12 TO CAP^T SAM^L GEORGE.

A PETITION of Samuel George Setting forth That He was a Captain in the Pay of the Province in Col^O Bagley's Regiment in 1759. That being discharged late in the Season, the Vessel he was in was blown off the Coast and arrived at Antigua, where he had the Yellow Fever, and continued sick the whole of his passage home and for more than five weeks afterwards, and that he hath been ever since in such a low state of health as to be incapable of business, And Praying an allowance,

Legislative
Records of the
Council, xxiv.,
171. Mass.
Archives,
lxxx., 47.

Mass.
Archives,
lxxx., 46.
House Jour-
nal, p. 162.

Read and

Ordered that the Sum of Eight pounds twelve Shillings be paid out of the publick Treasury to Thomas Rowell Esq^r for the use of the Petitioner in full. [*Passed November 28.*]

CHAPTER 207.

VOTE IMPOWERING EDW^D BACON, GUARDIAN, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Edward Bacon of Barnstable, Guardian to Nathanael, Abigail and Hannah Lewis, all Minors and Children of Nathanael Lewis late of Barnstable deceased. Setting forth That

Legislative
Records of the
Council, xxiv.,
171.

House Journal, p. 161.
Province
Laws, ii., 151,
chap. 10.

they the said minors together with their Sister Elisabeth now married now hold their said Fathers Estate consisting of Buildings mostly, which are daily going out of Repair. That the said Nathanael is but fourteen Years of Age and not in a capacity of getting the whole settled upon him, and it is too small to be divided among them all. And Praying Liberty to sell the said Estate, as also several small pieces of Land left them by their Grand Father Ebenezer Lewis Esq^r deceased which do not exceed three or four Acres in the whole.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner Edward Bacon be and hereby is impowered to make Sale of the House and Lands mentioned in said Petition for the most the same will fetch and to execute a good deed or deeds of conveyance thereof, He observing the rules in the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Barnstable to apply the money arising by the Sale thereof to the best advantage of the minors mentioned in said Petition and to pay them their respective dividends as they shall come of age or to their legal Representatives, and also duly to account for his Proceedings touching the Premises. [*Passed November 28.*]

CHAPTER 208.

ORDER ALLOWING £8.4 TO JESSE DUNTON.

Legislative
Records of the
Council, xxiv.,
172. Mass.
Archives,
lxxix., 701.

Mass.
Archives,
lxxix., 700.
House Journal,
p. 156.

A PETITION of Jesse Dunton of Wrentham, Setting forth That he was a Soldier the last Year in the Pay of the Province and on his return home took the small Pox and lay sick of it between 5 and six weeks, the expence whereof amounted to more than his whole Wages. And Praying an Allowance.

Read and

Ordered that the Sum of Eight pounds four Shillings be paid out of the publick Treasury to Cap^t Tim^o Metcalf for the Use of the Pet^r in full. [*Passed November 28.*]

CHAPTER 209.

ORDER ALLOWING £170 TO SAM^l KNEELAND.

Legislative
Records of the
Council, xxiv.,
173.

House Journal,
p. 164.
Province
Laws, xvi., 239,
chap. 220.

A MEMORIAL of Samuel Kneeland, Printer Setting forth That He hath by order of Court made a new Impression of the Province Laws and delivered out near 350 Books as directed. And Praying he may have a sum of money advanced to him in part for said impression, to enable him to defrey his expences in said affair.

Read and in answer

Ordered That the sum of One hundred and Seventy pounds be allowed and paid out of the Public Treasury to the Petitioner in part of his Account for printing and binding said Laws. [*Passed November 28.*]

CHAPTER 210.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF
R^d CODMAN FOR A NEW TRIAL OF AN ACTION.

A PETITION of Richard Codman for himself and in behalf of the other heirs of Phineas Jones deceased Setting forth That in July 1737 the said Phineas then living gave his note for £118. payable to Benjamin Colman, which note was paid as they can prove, yet the said Benjamin, twenty years after the date of the said note endorsed the same payable to Josiah Keen Esq^r who put the same in suit at the Inferior Court held at Plymouth in January 1759, and thro' negligence of one of the Executors, the said Action went by default against them, and Judgment was entered up against the Estate for £63.15.8 lawful money damage and £3.9.6 Costs to their grievous Loss. And Praying leave for a new Trial.

Read and

Ordered That the Petitioner serve Josiah Keen Esq^r with a copy of this Petition that so He shew cause (if any he hath) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. And Execution is stayed in the mean time. Provided the Petitioner give sufficient Bond to the Sheriff of the County of Cumberland to respond what shall finally be adjudged due upon this affair. [*Passed November 28.*]

Legislative
Records of the
Council, xxiv.,
173.

House Jour-
nal, pp. 147, 162.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTEENTH DAY OF JANUARY, A.D. 1762.

CHAPTER 211.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES.

Legislative
Records of the
Council, xxiv.,
179. Mass.
Archives, civ.,
122.

Mass.
Archives, civ.,
124. House
Journal, pp. 48,
155, 170. *Ante*,
p. 14, chap. 22.

THE COMMITTEE appointed to repair to the Treasurer's & take an Account of the Government Securities that He has redeemed & See them burnt & Consumed to Ashes, have attended that service & have rec^d of the Treasurer Government Securities payable in June 1757 amounting to Three hundred nineteen pounds w^{ch} with the Interest of Eighty pounds fourteen Shillings & three pence paid thereon amounts to Three hundred ninety Nine pounds, fourteen Shillings & three pence also Government Securities payable in October 1758 amounting to Two hundred sixteen pounds. six Shillings & three pence w^{ch} with the Interest of Thirty nine pounds nine Shillings & four pence paid thereon amounts to Two hundred Fifty five pounds. fifteen Shillings & seven pence, Also Government Securities payable in June 1759 amounting to Six hundred & ten pounds. twelve Shillings & nine pence w^{ch} with the Interest of One hundred Nineteen pounds. Eighteen Shill^{gs} & four pence paid thereon amounts to seven hundred Thirty pounds Eleven Shillings & One peny Also Government Securities pay^{ble} in June 1760 amounting to Twenty nine hundred seventy three pounds. three Shillings & five pence w^{ch} with the Interest of Three hundred seventy two pounds. fourteen Shillings & seven pence paid thereon amounts to Thirty three hundred forty five pounds Eighteen Shillings. Also Government Securities payable in June 1761 amounting to Thirty two thousand. three hundred fourteen pounds. Eleven pence w^{ch} with the Interest of Twenty hundred Eighty five pounds. four Shillings & six pence paid thereon amounts to Thirty four thousand three hundred ninety nine pounds. five Shillings & five pence. Also Government Securities, that will be payable in June 1762 amounting to Fourteen Thousand Eight hundred & Ninety Six pounds four Shillings & nine pence w^{ch} with the Interest of Nine hundred Twenty two pounds. Eighteen Shillings paid thereon amounts to fifteen Thousand Eight hundred & nineteen pounds. two Shillings & nine pence all w^{ch} Several sums amount to Fifty four thousand nine hundred & fifty pounds. seven Shillings & One peny w^{ch} Notes we have seen burnt & Consumed to Ashes

J: OSBORNE p Order

Read and

Ordered that this Report be accepted. [Passed January 14.

CHAPTER 212.

ORDER IN REGARD TO DAMAGES INCURRED BY LAYING OUT A HIGHWAY THROUGH BOXFORD, MIDDLETON AND DANVERS.

A PETITION of Archelaus Fuller and Others Inhabitants of Middleton in the County of Essex Setting forth That on the Petition of Nathanael Symonds and Others, the Court of General Sessions of the Peace for the County of Essex in September 1760 appointed Epes Sergeant Esq^r and Others a Committee to lay out a Highway through Boxford Middleton and Danvers and estimate the damage done to particular persons thereby, who acted accordingly and made return to the Sessions in December last, That the said Committee laid out the Highway aforesaid thro' Middletown where two Town ways had been laid out in 1708, and in 1716 by the Selectmen of Topsfield to which Town it then belonged, and that the same ways have been improved accordingly: but that the said Committee not knowing hereof estimated the Lands as private property, and determined that the Town of Middleton pay to John Kellum and nine others £78.5.1, to recompence the damage. That none of the Inhabitants of Middleton but those to whom the damage was allowed knew of these proceedings until it was too late to apply to the Sessions. And Praying Relief from this Court.

The Committee to whom the consideration of the Petition of the Inhabitants of the Town of Middleton and Answer thereto was referred, having fully heard the Parties report as their opinion That the Prayer of said Petition be so far granted, as that the Court of General Sessions of the Peace for the County of Essex upon application made to them for that purpose, be authorized to revise their proceedings relative to the damages arising by laying out the Highway through part of Boxford, Middleton and Danvers as mentioned in said Petition, and to make such Alteration therein as shall appear to them to be just and reasonable; the said Court previously observing the directions of the Law relating to the appointment of a Committee to estimate the damages occasioned by laying out said way; and that such Order of said Court as shall be taken therein be accounted valid, and be accordingly put in execution, any former proceedings had in relation thereto Notwithstanding, Which is humbly submitted

p Order (Signed) SAM^l DANFORTH

Read & Accepted & thereupon

Ordered that the Prayer of this Petition be so far granted as that the Court of General Sessions of the Peace for the County of Essex (upon Application made to them for that purpose) be Authorized to revise their Proceedings relative to the Damages arising by laying out the Highway thro': part of Boxford, Middleton & Danvers as mentioned in said Petition, and to make such Alteration therein, as shall appear to them to be just and reasonable; The said Court previously observing the directions of the Law, relative to the appointment of a Committee to estimate the Damage occasioned by laying out said Way; and that such order of said Court as shall be taken therein be accounted valid & be accordingly put in Execution, any former Proceedings had in relation thereto Notwithstanding. [*Passed January 15.*]

Legislative
Records of the
Council, xxiv.,
116, 181. Mass.
Archives,
cxxi., 405.

Mass.
Archives,
cxxi., 402.
House Jour-
nal, pp. 126, 128,
170, 173.

CHAPTER 213.

ORDER IN REGARD TO LOTTERY FOR REPAIRING CAUSEWAY ON WEST-
ERLY SIDE OF SUDBURY RIVER, ETC.

Legislative
Records of the
Council, xxiv.,
182. Mass.
Archives,
lxxxviii., 121.

House Jour-
nal, pp. 130, 173,
174. Province
Laws, iv., 449,
note. *Ante*,
p. 53, chap.
125.

Ordered That if any of the Tickets in a Lottery for the repair-
ing the Causeway on the westerly Side of Sudbury River & for
building a Bridge over said River shall remain unsold at the time
that may be set by the Managers of said Lottery for drawing the
same: Samuel Parris the Treasurer of the Town of Sudbury shall
take such Tickets; the Profits of which shall be applied towards
repairing the Causeway & building the Bridge aforesaid & from
time to time keeping the same in repair; & if there be any Loss,
it shall be made good out of the Clear Profits arising by said Lot-
tery and the Tickets so remaining shall by the Managers be deliv-
ered into the hands of s^d Treasurer some time before they begin
to draw. Provided always, that the neat proceeds or Profits of said
Lottery shall not hereby be Less and more than five p^{c} of the
whole the vote of this Court of the 19^t Nov last or any thing
therein contained to the contrary notwithstanding. [*Passed Jan-
uary 16.*]

CHAPTER 214.

ORDER ALLOWING £8 TO PAT^r BULKLEY.

Legislative
Records of the
Council, xxiv.,
183. Mass.
Archives,
lxxx., 66.

Mass.
Archives,
lxxx., 64.
House Jour-
nal, p. 174.

A PETITION of Patrick Bulkley Setting forth That in the Year
1757 he served as a Soldier in the pay of the Province and was at
Fort William Henry when taken by the Enemy where he underwent
great Hardships: that upon his return from that Campaign he in-
listed aboard the Province Snow Prince of Wales Cap^t Dowse in
which he was taken and afterwards sent to France, and remain'd
a Prisoner there 'till March 1758. and returned home in December
last And Praying an Allowance.

Read and

Ordered that the Sum of eight pounds be allowed and paid out
of the publick Treasury to the Pet^r in full consideration for his
Sufferings in captivity mentioned. [*Passed January 18.*]

CHAPTER 215.

ORDER ALLOWING £8 TO JN^o BULMAN.

Legislative
Records of the
Council, xxiv.,
183. Mass.
Archives,
lxxx., 29.

Mass.
Archives,
lxxx., 27.
House Jour-
nal, p. 174.

A PETITION of John Bulman of Boston mariner Setting
forth That in the year 1757. He served as a Soldier in the Pay
of the Province and was at Fort William Henry when taken by
the Enemy and underwent great hardships: that upon his return
he inlisted on board the Province Snow Prince of Wales Cap^t Dowse
in which he was taken, and afterwards sent to France, where he
remained a long time in Captivity. And Praying Relief.

Read and

Ordered that the sum of Eight pounds be allowed and paid out of the publick Treasury to the Petitioner in full consideration for his Sufferings in Captivity mentioned. [*Passed January 18.*]

CHAPTER 216.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

In the House of Rep^{ves}

The House entred into the consideration of the Pet^{ns} of Sick and Wounded Sold^{rs} And passd the following Votes Viz

Ordered that the Sum of £3.3.4 be paid out of the publick Treasury to Joseph Gerrish Esq^r for the Use of Mark More in full.

To Cap^t Henry King £5.18.4 for the Use of David Stone in full.

To M^r Thomas Lancaster £1.13.4 for the Use of Benj^a Cromey in full.

To M^r Thomas Lancaster £0.15.0 for the Use of Thomas Pike in full.

To Cap^t Ebenezer Sprout £1.08.8 for the Use of Nath^l Jackson in full.

To Cap Ebenezer Sprout. £2.12.1 for the Use of Annis Dunham in full

To Cap Edward Davis £1.15.0 for the Use of David Town Jun^r in full.

To Cap Solomon Wood £8.2.0 for the Use of Reuben Coomes in full

To Thomas Clap Esq^r £7.13.0 for the Use of the Select Men of the Town of Scituate in full.

In Council Read & Concurred. [*Passed January 19.*]

Legislative
Records of the
Council, xxiv.,
184. Mass.
Archives,
lxxx., 105.
Mass.
Archives,
lxxix., 400, 777,
788; lxxx., 6, 7,
8, 15, 59, 78, 84,
85. House
Journal, p. 177.

CHAPTER 217.

ORDER IMPOWERING JER. BAILEY, EXECUTOR, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jeremiah¹ Bayley of Haverhill, Executor of the last Will and Testament of Ebenezer Burbank late of Bradford deceased Setting forth That he was impowered by the Will of the said Testator to sell so much of his Real Estate as would be sufficient to pay his debts and Legacies; that he hath already sold part, and finds there will be but little left except an old house and barn much out of repair, and as the heirs are young, the eldest but 16 years of Age, it is judg'd best to sell the whole, and improve the overplus at interest for the benefit of the said Heirs. And praying leave to sell the same accordingly.

[Read and]

Ordered That the Prayer of the above Petition be so far granted, That the Petitioner Jeremiah Bailey in his said Capacity of Executor be and hereby is fully authorized to make sale of the seven Acres and buildings standing thereon mentioned in said Petition for the most the same will fetch he observing the Rules of the Law relating to the sale of Real Estates by Executors and Administra-

Legislative
Records of the
Council, xxiv.,
184.
House Jour-
nal, pp. 171, 172.
Province
Laws, ii., 151,
chap. 10.

¹ The House Journal, pp. 171, 172, reads, "*Jeremy.*"

tors, he giving sufficient caution to the Judge of Probate for the County of Essex that the money arising by the sale thereof shall be faithfully applied to the payment of the just debts of the Testator and the overplus (if any there be) be put out to interest for the benefit of the heirs of Ebenezer Burbanks deceased mentioned in said Petition, and their respective proportions be paid to them as they shall come of Age to receive the same. [*Passed January 19.*]

CHAPTER 218.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxiv.,
185.

House Jour.
nal, pp. 10, 178.

AN ACCOUNT of Robert Luscomb Treasurer for the County of Bristol being laid before the Court for Allowance.

Read and

Ordered That the within Account be allowed, and that the within named Treasurer be discharged of the sum of Ninety five pounds six shillings and seven pence. And that he be further accountable to said County for the ballance being Thirty two pounds eleven shillings and six pence. [*Passed January 19.*]

CHAPTER 219.

ORDER GRANTING TO JN^o M^cWHORTER LICENCE TO RETAIL STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
185. Mass.
Archives, cxx.,
403.

Mass.
Archives, cxx.,
402. House
Journal, p. 174.

A PETITION of John M^cWhorter of Taunton Setting forth That He hath obtained the approbation of the Selectmen of Taunton to be a Retailer of Spirituous Liquors, but that the Court of General Sessions of the Peace will not sit in the County of Bristol for granting Licenses until September next. And Praying that the said Court may be impowered at their Adjournment in February next to grant him a License for the purpose aforesaid.

Read and

Ordered that the Justices of the Court of Gen^l Sessions of the Peace for the County of Bristol be and hereby are Impowered at their adjournment on the first tuesday of Feb^y next to grant the Pet^r a Licence to retail strong Drink in his Dwelling House in Taunton (if they see cause) the time for granting Licences being elapsed notwithstanding. He having already obtained the approbation of the Select Men of the Town of Taunton for that purpose. [*Passed January 19.*]

CHAPTER 220.

ORDER IMPOWERING SAMUEL LOCKE AND JOSHUA FAIRBANKS, GUARDIANS, TO SELL LANDS.

Legislative
Records of the
Council, xxiv.,
186.

A PETITION of Samuel Locke and Joshua Fairbank, Guardians of Dorothy, Eunice and Luke Richardson of Lancaster, Minors Praying liberty to sell a Pasture of about twenty four or five Acres

belonging to said Minors; the prayer of which Petition was granted by the House of Representatives the 25th day of June last, but Non-concurred by the Board on the 27th

[Read and]

Voted That the same be revived. And

Ordered That the Prayer of this Petition be granted, and that the Petitioners be, and hereby are authorised and impowered in their said capacity of Guardians to make Sale of the Lands therein mentioned for the most the same will fetch, and to execute a good deed or deeds thereof in Law, they observing the directions of the Law relative to the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to account for the proceeds of such Sale agreeable to the directions of the Law. [*Passed January 19.*]

Legislative
Records of the
Council, xxiv.,
74. House
Journal, pp. 83,
84, 177. Prov-
ince Laws, ii.,
151, chap. 10.

CHAPTER 221.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF HAMPSHIRE
AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China ware in the County of Hampshire for the year 1761, reported that they had sold the same to Captain George Pyncheon for the Sum of Forty pounds, And Praying allowance for their Service twelve shillings.

Read and Accepted And

Ordered That the sum of twelve shillings be allowed and paid out of the Public Treasury to the Committee for their service in this Affair. [*Passed January 20.*]

Legislative
Records of the
Council, xxiv.,
187.

House Jour-
nal, pp. 130, 180.
Ante, p. 33,
chap. 139.

CHAPTER 222.

ORDER IMPOWERING NATH^L HARRINGTON, GUARDIAN, TO CONVEY
MINORS TITLE AND INTEREST IN AN ESTATE.

A PETITION of Nathanael Harrington of Watertown, Guardian of his Infant Children, Nathanael, Peter, Mary, Charles and Catharine Harrington, by his late Wife Mary, daughter of John Kimball late of Watertown, yeoman deceased. Setting forth. That the said John Kimball by his last Will gave to his said Daughter Seventy pounds lawful money to be paid to her or her heirs by his Son John Kimball within four years after the said Testators death. Provided She or her Heirs released to the said John all her right in her Grand father Uriah Clarks Estate. That the Testator died on the 1 January 1758; and his said daughter on the 15 day of July 1760, without releasing her said Right; whereby the same descends to her said Children, who being Infants cannot release their Right, and the youngest of them is but three years of Age, which renders the doing of it very remote. And Praying that he as Guardian aforesaid may be impowered to release his said Childrens Right in the said Uriah Clarks Estate upon payment of the money aforesaid for their Use.

Legislative
Records of the
Council, xxiv.,
188.

House Jour-
nal, pp. 179, 180.

Read and

Ordered That the Prayer of the within Petition be granted, and that the Petitioner Nathanael Harrington in his Capacity of Guardian to his Infant Children within mentioned is hereby impowered in the name and behalf of the said Infants to make and execute in due form of law a conveyance of the said Infants title and interest in the Real Estate of Uriah Clarke, their deceased Grand father to their Uncle John Kimball in as ample manner as if the said Mary their deceast mother was living and joined in the same with the Petitioner her Husband. [*Passed January 20.*]

CHAPTER 223.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING 19/6 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
188.

House Jour-
nal, pp. 130, 183.
Ante, p. 60,
chap. 142.

THE COMMITTEE appointed to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Worcester for the year 1761, reported That they had sold the same to William Jenison of Mendon for Thirty pounds, And prayed allowance of their expences nineteen shillings and six pence.

Read and Accepted, And

Ordered that the sum of nineteen shillings and six pence be paid out of the Public Treasury to the Committee for their service in the Affair. [*Passed January 21.*¹]

CHAPTER 224.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
189. Mass.
Archives,
lxxx., 107.

Mass.
Archives,
lxxix., 489, 732;
lxxx., 34, 86, 88.
House Jour-
nal, p. 182.

In the House of Rep^{ves}

The House entred into the consideration of the Pet^{ns} of Sick and wounded Soldiers and the following Votes passd. Viz

Ordered that the Sum of £5.8.10 be paid out of the publick Treasury to Elisha Jones Esq^r for the Use of James Clark in full.

To James Fowle Esq^r £3.12.0 for the Use of Zechariah Brooks in full

To Cap^t Ebenezer Thayer £2 for the Use of Caleb Dunham in full.

To Thomas Rowell Esq^r £3.16.4 for the Use of Thomas Clark in full

To Artemas Ward Esq^r £1.18.4 for the Use of Joseph Arnold in full.

To Joseph Buckminster Esq^r £4.6.3 for the Use of Robert M^cfarland in full.

In Council Read & Concurred. [*Passed January 21.*]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 20.

CHAPTER 225.

ORDER GRANTING TO RICHARD DAVENPORT THE RIGHT TO APPEAL FROM AN ORDER OF THE JUDGE OF PROBATE FOR WORCESTER COUNTY.

A PETITION of Richard Davenport Praying leave to bring forward an Appeal from the decree of the Judge of Probate of Wills for the County of Worcester approving a paper purporting to be the last Will and Testament of his Father Richard Davenport deceased,

[Read and]

Ordered That the Prayer thereof be granted, and that the Petitioners have liberty to appeal to the Governor and Council from the Order or Sentence of the Judge of Probate therein mentioned. Provided such Appeal be claimed within sixty days from this time; and Security be given by the Appellants within ten days then next after to prosecute such Appeal with Effect, and Reasons of Appeal be filed in the Registers Office of the Court of Probate for the County of Worcester within ten days after security given and fourteen days at least before the hearing, before the Governor and Council. [*Passed January 21.*]

Legislative
Records of the
Council, xxiv.,
189.

Legislative
Records of the
Council, xxiv.,
151. House
Journal,
pp. 153, 183.

CHAPTER 226.

VOTE IMPOWERING JON^A CLAP, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Jonathan Clap Guardian to Eliphalet Hodges of Norton, a person represented non compos mentis, Setting forth That the said Eliphalets Personal Estate is insufficient to pay his just Debts by the sum of £307.5. And Praying liberty to sell so much of said Eliphalets Real Estate as is requisite to pay his just debts, and provide for his further support.

[Read and]

Voted That the Prayer of this Petition be so far granted; that the Petitioner in his capacity be, and is hereby empowered to make sale of so much of the Real Estate of the said Eliphalet as to pay the sum of £307.5 with the addition of necessary charge thereon arising, and to execute a good deed or deeds of Sale in the Law for the same, he observing the directions in the Law respecting the Sale of Real Estates by Executors & Administrators, and also he giving sufficient caution to the Judge of Probate for the County of Bristol for the produce of the Sale of said Lands. [*Passed January 21.*]

Legislative
Records of the
Council, xxiv.,
190.

House Jour-
nal, p. 179.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 227.

ORDER ALLOWING £15.4.1 TO SOL^O WHITNEY.

A PETITION of Solomon Whitney of Lincoln Setting forth That he served as a Soldier in the Pay of the Province at Annapolis Royall from March 1759. to December 1760, and was made up in the Roll accordingly: but when he went to the Treasury to receive his Pay,

Legislative
Records of the
Council, xxiv.,
191. Mass.
Archives,
lxxx., 96.

Mass.
Archives,
lxxx., 96.
House Jour-
nal, pp. 171, 182.

he was informed that one William Wilson had received it, which the said Wilson denys, and the Treasurer refuses to pay the Petitioner his due.

Read and

Ordered that the sum of fifteen pounds four shillings and one penny be paid out of the publick Treasury in full for his Wages. [*Passed January 21.*]

CHAPTER 228.

ORDER REMITTING TO BENJAMIN DORBY AND JOHN LISWELL £16. 10
FINE FOR VIOLATING EXCISE LAW.

Legislative
Records of the
Council, xxiv.,
192.

House Jour-
nal, p. 183.

A PETITION of Benjamin Dorby and John Liswell¹ of Boston Setting forth, That one Abigail Greenleaf late of Boston Widow deceased had been licensed for several years to be a Retailer of strong Liquors, that on the 20th August she renewed her License, and sold such a quantity of Liquors as that the Excise thereof amounted to £16.10. That said Abigail was reduced by means of the numb palsy and the Great Fire, that She was utterly unable to pay the said Excise, and the Petitioners were her Sureties, who are also very unable to pay the said Sum. And Praying Relief.

Read and

Ordered That the Prayer of the Petition be granted, and that the Collector of the Excise for the County of Suffolk be, and hereby is directed not to prosecute the Petitioners for the sum of Sixteen pounds ten shillings due from them to the Province, but that they be and are hereby discharged from the same. [*Passed January 21.*]

CHAPTER 229.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BRISTOL AND
ALLOWING £2.1 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
193.

House Jour-
nal, pp. 131, 189.
Ante, p. 60,
chap. 143.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Bristol² made report That they had sold the same to Cap^t Thomas Cobb for twenty two pounds two shillings and taken Bond for the same, which they had delivered to the Province Treasurer, and prayed Allowance of their charge amounting to Two pounds one shilling

Read and Accepted and

Ordered That the sum of Two pounds one shilling be paid out of the Publick Treasury to the Committee for their Service and expence in the affair. [*Passed January 22.*]

¹ The House Journal, p. 183, reads, "*Benjamin Darby and John Liscrill.*"

² The House Journal, p. 189, reads, "*County of York.*"

CHAPTER 230.

ORDER ALLOWING 40/ TO JOSEPH PRATT.

A PETITION of Joseph Pratt of Bolton Setting forth That He was a Soldier in the Pay of the Province in 1758, and was wounded in the Action at Ticonderoga and then lost his Gun his own Property, And Praying an Allowance.

Read and

Ordered that the Sum of forty Shillings be paid out of the publick Treasury to Col^o John Whitcomb for the Use of the Pet^r in full. [*Passed January 22.*]

Legislative
Records of the
Council, xxiv.,
194. Mass.
Archives,
lxxx., 99.

Mass.
Archives,
lxxx., 98.
House Jour-
nal, p. 185.

CHAPTER 231.

ORDER CONFIRMING THE PROCEEDINGS OF THE INHABITANTS OF THE DISTRICT OF WESTMINSTER AT THEIR MEETINGS.

A PETITION of Joseph Miller and a number of Others, Inhabitants of Westminster, Setting forth, That being incorporated into a District in 1759, They have ever since proceeded to call their Meetings by posting up notifications at the Meeting house instead of directing a Warrant with a Seal affixed to the Constable; that this method tho' irregular hath never occasioned any difficulty among them, saving that in September last being in like manner notified to assemble in order to pass upon a Vote of the Church calling M^r Peter Thacher Smith to the Gospel Ministry in said District, which Vote of the Church was then unanimously concurred, but three of the Inhabitants entered their dissent, on account of the Meeting's not being legally warned, And Praying that their said Meetings may be established.

[Read and]

Ordered That the foregoing Petition be revived, and that the Prayer thereof be so far granted as that the Votes and Proceedings of the Inhabitants of the District of Westminster at their several Meetings since Nov^r 14: 1759 be, and they are hereby confirmed and shall be deemed valid in law, the defects in the manner of calling them (in said Petition mentioned) notwithstanding, Provided such Votes and Proceedings have been otherwise agreeable to Law. [*Passed January 22.*]

Legislative
Records of the
Council, xxiv.,
111, 195.

House Jour-
nal, pp. 116, 119,
124, 189, 190.
Province
Laws, iv., 341,
note.

CHAPTER 232.

ORDER ALLOWING £3 TO DAVID MILLER.

A PETITION of David Miller of Middleborough Setting forth That his son Nathanael Miller served as a Soldier in the Pay of the Province at Nova Scotia and accidentally broke his Gun in the Service for which there was three pounds stopped from his Wages. And Praying Relief,

Read and

Legislative
Records of the
Council, xxiv.,
195. Mass.
Archives,
lxxx., 109.

Mass.
Archives,
lxxx., 108.

House Journal, p. 187.
Province
Laws, xvi., 247,
chap. 89.

Ordered that the Sum of three pounds be paid out of the publick Treasury to Cap^t Eben^r Sprout for the Use of the Pet^r in full. [*Passed January 22.*]

CHAPTER 233.

ORDER ALLOWING £3 TO JON^A BURNAM.

Legislative
Records of the
Council, xxiv.,
195. Mass.
Archives,
lxxx., 100.

Mass.
Archives,
lxxx., 100.
House Journal,
p. 189.

A PETITION of Jonathan Burnam of Cap^t Whipples Company Setting forth That He served as a Soldier in the Pay of the Province at Louisbourg in the year 1759. That the Transport Vessel in which the Company returned being overcrowded, He upon his captains encouragement went aboard a merchant man for his passage home, but she was unfortunately lost on the Isle of Sable, from whence he was taken off with Others by a Marblehead man, and paid ten dollars for his Passage home. And Praying Relief.

Read and in answer

Ordered that the Sum of three pounds be paid out of the publick Treasury to the Pet^r in full for his Expence mentioned. [*Passed January 22.*]

CHAPTER 234.

ORDER ALLOWING £10. 2. 4 TO THE SELECTMEN OF ANDOVER.

Legislative
Records of the
Council, xxiv.,
196.

House Journal, pp. 94, 95^a,
185, 189. *Ante*,
p. 42, chap. 94.

A PETITION of Peter Osgood and Others Selectmen of Andover Setting forth That in pursuance of an order of Court they have provided a place for John Beverly, late a Soldier in the Pay of the Province, and made a Cripple in the Service, wherein he might learn the Taylors Trade, having put him with M^r Joshua Wardwell, who hath engaged to instruct him in the said business; on which occasion they have disbursed Ten pounds two shillings and four pence more than they have received for the said John Beverly's Wages, And Praying an Allowance.

Read and in Answer

Ordered That the sum of Ten pounds two shillings and four pence be paid out of the Public Treasury to Samuel Phillips Esq^r for the use of the Selectmen of Andover to respond the Expence in this Petition mentioned. [*Passed January 22.*]

CHAPTER 235.

ORDER ADJOURNING THE COURTS OF HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxiv.,
196.

House Journal, p. 192.
Province
Laws, xv., 198,
chap. 80.

WHEREAS divers of the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas which by Law are to be holden at Northampton in and for the County of Hampshire on the second Tuesday of February next are members of this Court and the Affairs of the Province now depending may require their Attendance thereupon at said time,

Ordered That the Courts aforesaid that are by Law to be held at

Northampton aforesaid on the second Tuesday of February next, be and hereby are adjourned to the fourth Tuesday of said February, then to be holden at Northampton in and for the County of Hampshire at ten of the clock in the forenoon of said day; and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and other matters whatsoever returnable or having day at said Courts shall stand abide and continue unto said fourth Tuesday of February next, and shall then have day, be heard and tried and proceeded in by said Courts respectively; and shall be deemed and held as good, effectual and available in Law to all Intents and purposes whatsoever as if said Courts had been held and kept at the time by Law provided for holding the same as aforesaid, and no adjournment thereof had been made. [*Passed January 23.*]

CHAPTER 236.

ORDER ALLOWING £3 TO ISAAC HARDING.

A PETITION of Isaac Harding late of Eastham, now of George Town in the County of Lincoln Setting forth That his son Josiah was a Soldier in the Pay of the Province in 1758, and being Sick at Fort Stanwix, his Gun was stolen from him for which Gun there has been Four pounds deducted from his Wages. And Praying Relief.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to the Pet^r in full. [*Passed January 23.*]

Legislative
Records of the
Council, xxiv.,
197. Mass.
Archives,
lxxx., 95.

House Jour-
nal, p. 189.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 237.

VOTE IMPOWERING CALEB BENJAMIN AND ELIZABETH HIS WIFE, GUARDIAN, TO SELL A MINOR'S INTEREST IN LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Willard and Mary his Wife in her Right, Phineas Moore and Anna his Wife in her Right, Caleb Benjamin and Elisabeth his Wife as she is Guardian to Elisabeth Rice, Aaron Rice and Tamar Rice minors, and of Robert Work and Susanna his Wife in her Right. Setting forth That Cap^t Aaron Rice late of Rutland deceased, Intestate, died Seized of three pieces of land in said Rutland with the Buildings thereon viz^t one peice known by the name of Rice's Farm containing about sixty Acres, another piece called Grassy Hill containing about thirty two Acres and another piece containing about five Acres, all which it is impracticable to divide among the concerned without great damage. And Praying leave to sell the same; the produce of the minors Shares to be improved at Interest.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioners Caleb Benjamin¹ and Elisabeth his Wife as she is Guardian to the within named Minors be, and they hereby are im-

Legislative
Records of the
Council, xxiv.,
197.

House Jour-
nal, pp. 31, 57,
72, 73, 192.
Province
Laws, ii., 151,
chap. 10.

¹ The House Journal, p. 192, reads, "*Caleb Brown.*"

powered to make Sale of said Minors Interest in the within Land as it lyeth in common with the other Petitioners, and to pass and execute a good deed or deeds in the Law of the same, to such Person or Persons as shall give most for the same, they observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Worcester that the money arising by said Sale be put on interest for the use of said Minors. [*Passed January 23.*]

CHAPTER 238.

VOTE ALLOWING £10 AND A FURTHER SUM OF £5 ANNUALLY TO THO^s ANDERSON.

Legislative
Records of the
Council, xxiv.,
198. Mass.
Archives,
lxxx., 74.

House Jour-
nal, p. 190.

A PETITION of Thomas Anderson of Brimfield Setting forth That he was a Soldier in the Pay of the Province in 1759 in Cap^t Willards Company of Col^o Saltonstalls Regiment, and while in the Service he met with such a Wound on his Right Arm or Wrist which has totally disabled him from doing any Labour with it. And Praying Relief.

[Read and]

Voted that there be allowed and paid out of the Publick Treasury of this Province the Sum of ten pounds to Maj^r Burt for the Use of the Pet^r & the further Sum of five pounds annually untill the further order of this Court on the account of His wounds he has Rec^d in the Service of this Province. [*Passed January 23.*]

CHAPTER 239.

VOTE ALLOWING £4 ADDITIONAL ANNUALLY TO DAVID THOMPSON, J^r.

Legislative
Records of the
Council, xxiv.,
198. Mass.
Archives,
lxxx., 73.

Mass.
Archives,
lxxx., 71.
House Jour-
nal, p. 190.
Province
Laws, xvi., 144,
chap. 331.

A PETITION of David Thompson Jun^r of Stoughton, Setting forth That He was a Soldier in the Pay of the Province in 1757, and was at Fort William Henry when it was taken, by the Enemy when he suffered the Loss of his Arm by a Shot or a shell from them. That his Father represented this misfortune to the General Court in January whereupon they made him a Grant of Nine pounds twelve shillings, and allowed him a Pension of Six pounds during pleasure, That he can do but little labour, and the Allowance made is insufficient for his support And Praying a further allowance may be made him.

[Read and]

Voted that there be Allowed & paid out of the Publick Treasury of this Province the Sum of four pounds annually Unto the Petitioner untill the further order of this Court Commencing the 25th day of January Instant in addition to the Six pounds annually already Granted him, making in the whole the Sum of Ten pounds. [*Passed January 23.*]

CHAPTER 240.

ORDER ALLOWING £100 AND A FURTHER SUM OF £80 TO JOHN COTTON.

A PETITION of John Cotton Setting forth That he hath been employed in the Secretary's Office since the 1st of December 1760 during which time he hath applied himself with all diligence to the duties of his place. And as his dependance is upon it for the support of himself and Family, Praying an Allowance.

Read and

Ordered that the Sum of One hundred pounds be allowed and paid out of the Publick Treasury to the Petitioner for his ordinary Service beginning December first 1760, and ending December first 1761, And also eighty pounds more in full for his extraordinary Services.¹ [*Passed January 23.*]

Legislative
Records of the
Council, xxiv.,
323.

House Jour-
nal, pp. 184, 191.

CHAPTER 241.

ORDER ALLOWING A COPY OF THE PROVINCE LAW BOOK FOR THE OFFICE OF THE COMMISSARY GENERAL.

Ordered that the Printer be directed to deliver the Commissary General a Province Law Book for the Use of his Office. [*Passed January 25.*]

Legislative
Records of the
Council, xxiv.,
199. Mass.
Archives,
lviii., 457.

House Jour-
nal, p. 193.

CHAPTER 242.

ORDER ACCEPTING REPORT OF COMMITTEE ON COMPLAINTS OF MARTHA'S VINEYARD INDIANS, AND APPOINTING A NEW COMMITTEE THEREON.

THE COMMITTEE appointed the 27th march last in consequence of his Excellency's message of 22^d December 1760, to repair to martha's Vineyard and inquire into the complaints of the Indians respecting some Lands given to the Praying Indians so called (so called²) of the said place reported³ according to Order.

In Council Read and Accepted And thereupon

Ordered That William Brattle Esq^r with such as the honourable House shall join be a Committee to receive the Deeds, settle and run the Lines as proposed in the said Report, that so an Act may pass confirming to the English Purchasers and their heirs the remaining Tracts of Land in Christian Town purchased of the Indians by deeds recorded in the Records of Deeds for the County of Dukes County at any time before the 22^d August 1761 The said Purchasers or their heirs to pay the Cost thereof.

In the House of Representatives Read and Concurred and Thomas Foster and Daniel Howard Esq^{rs} are joined in the Affair. [*Passed January 25.*]

Legislative
Records of the
Council, xxiv.,
199.

Legislative
Records of the
Council, xxiii.,
487, 633. House
Journal,
pp. 256, 257
(March, 1761);
p. 196. Prov-
ince Laws, iv.,
634, note.

¹ This chapter entered in Legislative Records of the Council, xxiv., 323, under date March 6, 1762.

² *Sic.*

³ For the full report see Legislative Records of the Council, xxiv., 628.

CHAPTER 243.

VOTE IMPOWERING EBENEZER UPHAM, ADM^B, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
200.

House Jour-
nal, p. 188.

A PETITION of Ebenezer Upham, Asa Stower and Daniel Hubbard Setting forth That the said Ebenezer Upham is Administrator of the Estate of his late Father Ebenezer Upham of Leicester deceased. That the said Asa Stower purchased of the deceased in his life time Forty five Acres of land lying in Leicester bounded East on a high way called Rutland Road, South on a Town way leading out of said Road by Captain Whittemores, Northerly on other land of the said Ebenezer by a line running about N: 40 degrees East 80 Rod to aheap of stones, the N:E^{ly} corner, thence S: Easterly by the said Ebenezers Land 64 Rods to a heap of Stones, thence North by the said Ebenezers Land to a Stake at Rutland Road first mentioned. That before the Deed was executed the said Ebenezer died. That the Petitioner Asa Stower had almost paid for said Lands in the life time of the said Ebenezer, and thinking that the admin^r could give him a Deed he sold the said Land to the Petitioner Daniel Hubbard for £133.6.8, which the said Hubbard hath paid him; and the said Ebenezer the Administrator at the request of the said Asa gave the said Hubbard a deed of the same, which he since finds is illegal. And as the Intestates Estate hath had the benefit of the purchase consideration according to Agreement, the said Administrator prays that he may be impowered to make a good and effectual deed of the said Land.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner Ebenezer Upham in his capacity be and he hereby is impowered to make and execute a good deed in the Law to the within named Daniel Hubbard his heirs and Assigns of the within mentioned Lands bargained and sold by the within named Ebenezer Upham deceased in his Life time to the within mentioned Asa Stowers. [*Passed January 25.*]

CHAPTER 244.

VOTE IMPOWERING EBENEZER UPHAM, ADM^B, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
200.

House Jour-
nal, pp. 187, 188.
Province
Laws, li., 151,
chap. 10.
Supra, chap.
243.

A PETITION of Ebenezer Upham Administrator of the Estate of his Father Ebenezer Upham late of Leicester deceased Intestate Setting forth That the whole Inventory of the deceaseds Estate Real and personal amounts to £203.4 That the debts due from the said Estate amount to near £200. And Praying leave to sell the said Estate lying in Leicester in order to discharge the debts of the deceased,

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner in his capacity be, and he hereby is impowered to make Sale of the Land &c within mentioned for the most the same will fetch to such Person as will give most for the same and to pass and execute a good deed or deeds thereof, he observing the direction of the Law relating to the Sale of Real Estates by Executors

and Administrators and giving sufficient caution to the Judge of Probate for said County to apply the proceeds thereof for the payment of the deceaseds debts. [*Passed January 25.*]

CHAPTER 245.

VOTE IMPOWERING MOSES JENNINGS AND MERCY, HIS WIFE, ADM^s, TO SELL LANDS.

A PETITION of Moses Jennings of Brookfield and Mercy his Wife formerly Mercy Walker and Adm^r of the Estate of her former Husband Samuel Walker late of Brookfield deceased, Intestate, and of Gershom Makepeace Grandfather and Guardian of Jason Walker only Child of said deceased about three Years of Age Setting forth That there is due to her upon the Settlement of her Administration account £47.16.8 more than the whole amount of the personal Estate. That the Real Estate consists of a small House and about eighty Acres of land apprized at £106.13.4 That the whole Land at this time will not rent for more than three pounds ~~p~~ annum, and were it to be divided would be of but little value, And Praying leave to sell the said Estate, the minors part to be improved at Interest.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioners in their capacity be, and they hereby are impowered to make Sale of the Lands &c within mentioned and to pass and execute a good deed or deeds of the same to such Person or Persons that shall give most for the same, they observing the directions of the Law relating to the Sale of Real Estate by Executors and Administrators and giving sufficient caution to the Judge of Probate of¹ for the County of Worcester that the produce thereof be disposed of pursuant to Law. [*Passed January 25.*]

Legislative
Records of the
Council, xxiv.,
201.

House Jour-
nal, p. 187.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 246.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EX- CISE ON TEA, COFFEE AND CHINAWARE IN THE COUNTY OF DUKES COUNTY AND ALLOWING 22/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee and China Ware in Dukes County made report That they had sold the same to Cap^t Samuel Cobb for Fifteen pounds, and taken Bond therefor which they had delivered to the Province Treasurer. And Praying Allowance of the charge attending the Sale amounting to 22^s/,

Read and Accepted, And

Ordered That the sum of Twenty two shillings be allowed and paid out of the Public Treasury to the Committee for their Service in the Affair. [*Passed January 26.*]

Legislative
Records of the
Council, xxiv.,
201.

House Jour-
nal, p. 195.
Ante, p. 60,
chap. 145.

¹ *Sic.*

CHAPTER 247.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxiv.,
202.

House Jour-
nal, p. 201.
Province
Laws, iii., 64,
chap. 32.

WHEREAS diverse of the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas which by Law are to be holden at Worcester in and for the County of Worcester on the first Tuesday of February next are members of this Court, and the affairs of the Province now depending may require their Attendance thereupon at the same time.

Ordered that the Courts aforesaid that are by Law to be held at Worcester aforesaid on the first Tuesday of February next be and hereby are adjourned to the first Tuesday of March next then to be holden at Worcester in and for the County of Worcester at ten o'clock in the Forenoon of said day. And all Pleas, Actions, Suits, Plaints, Processes, Precepts, Recognizances and other matters whatsoever returnable or having day at said Courts shall stand, abide and continue unto said First Tuesday of march next, and shall then have day be heard and tried and proceeded in by said Courts respectively, and shall be deemed and held as good and effectual and available in Law to all Intents and Purposes whatsoever as if said Courts had been held and kept at the time by Law provided for holding the same as aforesaid and no adjournment thereon had been made. [*Passed January 26.*]

CHAPTER 248.

VOTE ALLOWING £10 EACH ANNUALLY TO EBENEZER KENFIELD AND ABIJAH FROST.

Legislative
Records of the
Council, xxiv.,
203.

House Jour-
nal, pp. 195, 196.
Province
Laws, xvi., 319,
chap. 263; 747,
chap. 420.
Ante, p. 102,
chap. 239.

In the House of Representatives

Whereas the General Assembly of this Province on the 17th day of march 1759 granted to one Ebenezer Kenfield of Belcher Town, five pounds lawful money to be paid him annually during the pleasure of the Court in consideration of his having lost his Right Arm in the service of the Province. And afterwards on the 16 day of April last granted to Abijah Frost of Springfield a Pension of Seven pounds *per* Annum during pleasure in consideration of a like loss in the Publick Service.

And Whereas this Court at this Session have augmented the Allowance heretofore made to one David Thompson on a like consideration from the sum of Six pounds annual Allowance to the sum Ten pounds. And the Circumstances of these several Persons being represented to this House as alike demanding the compassionate consideration of the Public. Therefore to the end that the favours of the Government may be uniformly distributed to Persons in similar circumstances

Voted That the annual Pensions to the said Ebenezer Kenfield and Abijah Frost be each increased to the Sum of Ten pounds, and that for the future during the pleasure of this Court and until they shall otherwise order there be paid to each of them the Sum of Ten pounds *per* Annum accounting the commencement and ending of the year according to the original Votes in lieu of the Sums originally granted them respectively.

In Council Read & Concurred. [*Passed January 26.*]

CHAPTER 249.

VOTE GRANTING TO ISAAC STONE LICENCE TO KEEP AN INN.

A PETITION of Isaac Stone of Rutland Setting forth That he hath for many Years past kept a Tavern in said Rutland, but hath now removed from the House wherein he was licensed so to do, and removed into one more commodious for the business, but cannot exercise it in the said House without a new License, And Praying that the Court of General Sessions of the Peace for the County of Worcester may be impowered to grant him such License at their next Session, which by Law they cannot do till August next without the Aid of this Court.

Legislative
Records of the
Council, xxiv.,
204.

House Jour-
nal, p. 197.

[Read and]

Voted That the Prayer of this Petition be granted, and that the Court of General Sessions of the Peace next to be holden at Worcester in and for said County of Worcester be and they hereby are impowered to grant the Petitioner a license to keep a Publick Tavern in said Rutland agreeable to said Petition, he first obtaining the Approbation of the Selectmen of said Rutland the time for granting licenses in said County being elapsed Notwithstanding. [*Passed January 26.*]

CHAPTER 250.

VOTE GRANTING TO SAMUEL PIERCE LICENCE TO KEEP AN INN.

A PETITION of Samuel Pierce of Leicester Setting forth That since the time for granting Licenses in the County of Worcester he hath purchased a place in Leicester which hath been for a great number of Years improved for a Tavern, lately occupied by David Lynde, And Praying that the Court of General Sessions of the Peace next to be holden at Worcester may grant him a License for the same purpose.

Legislative
Records of the
Council, xxiv.,
204.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Court of General Sessions of the Peace to be held at Worcester within and for the County of Worcester on the first Tuesday of February next be, and they hereby are impowered (if they think proper) to license the Petitioner to keep a Publick House in Leicester, he obtaining the approbation of the Selectmen of said Town according to Law.¹ [*Passed January 26.*]

CHAPTER 251.

ORDER IMPOWERING THE TOWN OF HATFIELD TO LAY OUT 1,176 ACRES OF THE UNAPPROPRIATED LANDS OF THE PROVINCE.

A PETITION of Israel Williams and Oliver Partridge Esq^{rs} in behalf of the Town of Hatfield Setting forth, That in the May Session in 1738 the Town of Hatfield presented a Plan of their

Legislative
Records of the
Council, xxiv.,
205.

¹ Not found in the House Journal.

House Journal, pp. 198, 199.
Province Laws, iv., 573,
chap. 4; xii.,
187, chap. 144;
504, chap. 68;
537, chap. 144.

Township with an addition on the West side of ninety eight rods containing eleven hundred and seventy six acres which the General Court confirmed to said Town of Hatfield in consideration of the said Towns being obliged to purchase 2,000 Acres of the heirs of Governor Bradstreet and major Dennison which lay within the Township of Hatfield. That it appears that the Township of New Hingham was laid out and confirmed in the year 1737 bounded upon Hatfield before the Court extended the Township of Hatfield said 98 rods, said Township of New Hingham was returned and confirmed without the knowledge of the Town of Hatfield, and it was never discovered 'till very lately that said Township interfered and Praying that Hatfield may have an Equivalent for said 98 Rods in some of the unappropriated Lands of the Province.

Read and

Ordered That the Prayer of the Petition be granted and that the Town of Hatfield be allowed to lay out eleven hundred and seventy six Acres of the unappropriated Lands of the Province in the County of Hampshire or Berkshire adjoining to some Grant or Township already laid out as an Equivalent for the Land granted to said Town of Hatfield which it appears was confirmed to New Hingham, and that the said Town of Hatfield return a plan thereof for confirmation in six months. [*Passed January 26.*]

CHAPTER 252.

VOTE INPOWERING ELIZABETH CLAFFLIN, ADM^N, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxiv., 206.

House Journal, p. 188.
Province Laws, ii., 151,
chap. 10.

A PETITION of Elisabeth Clafflin of Petersham, Widow and Administratrix of the Estate of her late husband Robert Clafflin of Brookfield deceased Setting forth That the deceaseds debts amount to £57.4.2 more than his personal Estate amounted to, and nothing yet allowed her for house keeping. That a few Months before his Death, he purchased of one Paige about One hundred and twenty Acres of wild Land in Petersham for £133.6.8 the whole of which remained due at his decease. And Praying leave to sell the same.

[Read and]

Voted That the Prayer of the within Petition be so far granted as that the Petitioner in her capacity of Administratrix be, and is hereby authorized and impowered to make Sale of the Land within mentioned for the most the same will fetch and to make and execute a good and sufficient deed or deeds of conveyance thereof, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester that the produce thereof arising by such Sale shall be applied for the payment of the debts of the deceased and the remainder thereof be put to interest for the benefit of the several heirs of the said deceased agreeable to Law. [*Passed January 27.*]

CHAPTER 253.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

UPON THE PET^{NS} of the Sick and Wounded

Ordered that the Sum of £2.6.5 be paid out of the publick Treasury to Caleb Cushing Esq^r for the Use of Daniel Page in full.

To Caleb Cushing Esq^r the sum of £2.8.0 for the Use of Sam^l Smith in full.

To John Brown Esq^r the Sum of £9.10.0 for the Use of James Hide in full

To M^r Chillingsworth Foster the Sum of £2.7.8 for the Use of Elisha Cash in full.

To William Lawrence Esq^r the sum of £5.0.9 for the Use of Sarah Parker in full.

To John Winslow Esq^r the Sum of £2.6.0 for the Use of Simeon Turner in full.

To M^r Walter Spooner the Sum of £7.0.0 for the Use of Moses Washburn in full. [*Passed January 27.*]

Legislative
Records of the
Council, xxiv.,
207. Mass.
Archives,
lxxx., 116.

House Jour-
nal, p. 198.

CHAPTER 254.

ORDER GRANTING TO ALEXANDER NASH LICENCE TO KEEP AN INN.

A PETITION of Alexander Nash of Weymouth Setting forth That there hath been a public House licensed for fifty years past 'till the month of August last near the landing place at Smelt Brook, where such House is much wanted. That the person who last applied for a License there being deemed unqualified was denied. That the Petitioner hath obtained the approbation of the Selectmen, And Praying that he may be licensed for the purpose.

Read &

Order'd that this Petition be reviv'd, and that the Justices of the Court of Gen^l Sessions of the Peace for the County of Suffolk be & they are hereby impowered, at their next Term for holding said Court, to grant to the Petitioner a Licence (if they think fit) to keep a Tavern: He first obtaining the approbation of the Select Men of Weymouth therefor: The Time for granting Licences being elapsed not withstanding. [*Passed January 28.*]

Legislative
Records of the
Council, xxiv.,
209. Mass.
Archives, cxi.,
508.

Mass.
Archives, cxi.,
507. Legisla-
tive Records of
the Council,
xxiv., 109.
House Jour-
nal, pp. 118, 121,
208, 209.

CHAPTER 255.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £2. 9. 5 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise upon Tea, Coffee and China ware in the County of Plymouth reported That they had sold the same to M^r William Rand Jun^r for £114 and had taken Bond therefor and lodged the same with the Province Treasurer, And Prayed Allowance of their charge.

Read and accepted, And

Legislative
Records of the
Council, xxiv.,
210.

House Jour-
nal, pp. 202, 203.
Ante, p. 59,
chap. 140.

Ordered That the sum of Two pounds nine shillings and five pence be paid out of the Public Treasury to the Committee for their Service in this Affair. [*Passed January 28.*]

CHAPTER 256.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF YORK, AND ALLOWING £2. 10 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
210.

House Jour-
nal, p. 203.
Ante, p. 60,
chap. 144.

THE COMMITTEE appointed to farm out the duties of Excise upon Tea, Coffee and China Ware in the County of York reported That they had sold the same to Captain Daniel Clark for Fifty five pounds, had taken Bond therefor and delivered the same to the Province Treasurer. And Prayed Allowance of their Charge amounting to Two pounds ten shillings.

Read and Accepted, And

Ordered That the Sum of Two pounds ten shillings be paid out of the Public Treasury to the Committee for their Service in this Affair. [*Passed January 28.*]

CHAPTER 257.

VOTE ALLOWING A COPY OF THE PROVINCE LAWS TO EACH NEW TOWN OR DISTRICT.

Legislative
Records of the
Council, xxiv.,
211. Mass.
Archives,
lviii., 458.

House Jour-
nal, p. 206.

Voted that every new Town or District that have been incorporated since the time of the last Impression of the perpetual Laws of this Province and all other new Plantations within the Province that are assessed a proportion to the Province tax be supplied each of them with one of those Books at the charge of the Province, And that the Printer be directed to deliver such Book to the respective Clerks of such Towns or Plantations accordingly. [*Passed January 28.*]

CHAPTER 258.

VOTE FOR THE TRANSFER OF APPROPRIATIONS.

Legislative
Records of the
Council, xxiv.,
211.

House Jour-
nal, pp. 206, 207.
Province
Laws, lv., 460,
chap. 4.

Voted, That the Treasurer be, and is hereby directed to make a Transfer of £1,000 from the Appropriation of Forts and Garrisons to the Appropriation for the Payment of debts where there is no Establishment, and the sum of £2,000 from the Appropriation for the Commissarys disbursements to the Appropriation for Grants. [*Passed January 28.*]

CHAPTER 259.

VOTE IMPOWERING MOSES BLISS, ADM^r, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Moses Bliss of Springfield Setting forth That he is Administrator of the Estate of David Bliss, late of Springfield Sadler deceased Intestate; That the deceaseds debts exceed his personal Estate £155.19.4¼: That the Real Estate consists of a House, Shop and Bridge and half an Acre of Land apprizd at £247. That to divide the Estate so as to sell off only enough to pay the debts must prove very prejudicial to the whole. And Praying liberty to sell the whole for the benefit of the Concerned.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner in his capacity be, and he hereby is impowered to make Sale of the Real Estate within mentioned, reserving to the deceaseds Widow her Dower, for the most the same will fetch, and to pass and Execute a good deed or deeds of the same to the Person or Persons that shall purchase the same, the Petitioner observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Hampshire to apply the proceeds of said Sale for the Payment of said deceaseds debts; and if there should be a Surplusage that the same be divided among the legal heirs. [*Passed January 28.*]

Legislative
Records of the
Council, xxiv.,
211.

House Jour-
nal, p. 201.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 260.

ORDER ALLOWING £3. 6. 8 TO JON^a LAWRENCE, ADM^r.

A PETITION of Jonathan Lawrence late of Groton Admiñor of the Estate of Cap^t Thomas Lawrence late of Pepperrell deceas'd Setting forth That the said Thomas being a Captain in the Pay of the Province in Col^o Nichols's Regiment was killed by the Enemy at Half way brook, at which time his Gun was lost, and for which a stoppage was made of Three pounds six shillings and eightpence from his Wages. And Praying Relief.

Read and

Ordered that the sum of three pounds six shill^s and eight pence be p^d out of the publick Treasury to the Pet^r in full. [*Passed January 28.*]

Legislative
Records of the
Council, xxiv.,
211. Mass.
Archives,
lxxx., 70.

Mass.
Archives,
lxxx., 69.
House Jour-
nal, p. 200.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 261.

ORDER IMPOWERING THE SOUTH PRECINCT IN NORTON TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas morey, Agent for the South Precinct in Norton Setting forth That the Proprietors of a Tract of land known by the name of Taunton North Purchase gave one full right throughout said Propriety for the use of the ministry in said Pro-

Legislative
Records of the
Council, xxiv.,
212. Mass.
Archives, xiv.,
288.

Mass.
Archives, xiv.,
287. House
Journal,
pp. 185, 191.

priety, and the Lands have been laid out accordingly, and it has been agreed upon by the said Propriety that one half of said Lands shall belong to Easton, and the other half be equally divided between the South Precinct and north Precinct in Norton, That the Lands belonging to the South Precinct lye in the North Precinct, are unimproved, and of no use as to the Support of the ministry. And Praying liberty to sell the same, the money arising by such Sale to be improved at interest for the purpose of the Grant.

Read and

Ordered that the Prayer be so far Granted as that the South Precinct in the Town of Norton by a Committee by them to be appointed for that purpose be Impowered to make Sale of the Land mentioned in the Petition for the most the Same will fetch & to make a good Deed or Deeds in Law for conveying the Same the Proceeds of the S^d Sale to be let out at Interist on Good Security to be Improved annually towards the Support of a Congregational minister in Said Precinct in the Same way & manner as the Rents of Said Land would have been Improved if it had not been Disposed of. [*Passed January 28.*]

CHAPTER 262.

VOTE ALLOWING £2 TO MERIBAH STICKNEY.

Legislative
Records of the
Council, xxiv.,
212. Mass.
Archives,
lxxx., 112.

A PETITION of Meribah Stickney Setting forth That her late Husband Samuel Stickney of Bradford was a Soldier in the Pay of the Province in 1758, and died on the Road in his return home & his Gun lost. And Praying an allowance for it, the Gun being his own.

[Read and]

Mass.
Archives,
lxxx., 112.
House Jour-
nal, p. 202.

Voted That y^e Sum of Two pounds be paid out of y^e Publick Treasury to Benjamin Mulluken for y^e vse of y^e petitnour in full. [*Passed January 28.*]

CHAPTER 263.

ORDER ALLOWING £1. 16 TO SARAH WHEELER.

Legislative
Records of the
Council, xxiv.,
213. Mass.
Archives,
lxxx., 93.

A PETITION of Sarah Wheeler Setting forth That her late Husband Simon Wheeler was a Soldier in the Pay of the Province in Col^o Nichols's Regiment in 1758, when he lost his life in the Service, and at the same time his Gun was lost. And Praying an Allowance for the said Gun.

[Read and]

Mass.
Archives,
lxxx., 93.
House Jour-
nal, p. 200.

Ordered That y^e sum of one pound Sixteen Shillings be paid out of y^e publick Treasury to Cap^t Jonas Prescott for y^e vse of y^e petitnour¹ in full. [*Passed January 28.*]

¹ Sic.

CHAPTER 264.

ORDER ALLOWING £1. 17. 4 TO W^m LAWRENCE, ESQ^R, GUARDIAN.

A PETITION of William Lawrence Esq^r as he was Guardian to Eleazer Ames of Groton Setting forth That the said Eleazer being a Soldier in the pay of the Province in Col^o Nichols's Regiment in 1758 lost his life in the service, and at the same time his Gun was lost, And Praying an Allowance for said Gun.

Legislative
Records of the
Council, xxiv.,
213. Mass.
Archives,
lxxx., 68.

Mass.
Archives,
lxxx., 67.
House Jour-
nal, p. 200.

Read and

Ordered that the Sum of one pound Seventeen Shillings and four pence be paid out of the publick Treasury to W^m Lawrence Esq^r in full.¹ [*Passed January 28.*]

CHAPTER 265.

ORDER ALLOWING £2 TO ELIAKIM ROBINSON.

A PETITION of Eliakim Robinson of Lincoln Setting forth That He was a Soldier in the Pay of the Province in 1760, when being ordered to go a Trip in the Batteau Service and lodge his Gun in a Store, the Store was broke open and his Gun stolen, And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
213. Mass.
Archives,
lxxx., 92.

Mass.
Archives,
lxxx., 92.
House Jour-
nal, p. 205.

Read and

Ordered that the Sum of two pounds be paid out of the publick Treasury to Joseph Buckminster for the Use of the Petitioner in full. [*Passed January 28.*]

CHAPTER 266.

ORDER ALLOWING £1. 10 TO BEN: WRIGHT, ADM^R.

A PETITION of Benjamin Wright Administrator of the Estate of Oliver Wright late of Westford deceased Setting forth That the said Oliver was a Soldier in the Pay of the Province in 1758, and lost his Life in the Service, and at the same time his Gun. And Praying an allowance for his said Gun.

Legislative
Records of the
Council, xxiv.,
213. Mass.
Archives,
lxxx., 94.

Mass.
Archives,
lxxx., 94.
House Jour-
nal, p. 205.

Read and

Ordered that the sum of One pound ten shillings be paid out of the publick Treasury to Cap^t Jonas Prescott for the Use of the Petitioner in full. [*Passed January 28.*]

CHAPTER 267.

ORDER GRANTING TO WM. DAY LICENCE TO RETAIL STRONG DRINK.

A PETITION of William Day of Westfield Setting forth That he hath obtained the approbation of the Selectmen of said Town to be a Retailer of Spirituous Liquors in said Town; but the time for

Legislative
Records of the
Council, xxiv.,
214.

¹ The House Journal, p. 200, reads, "£1. 16. 4."

House Jour-
nal, p. 205.

granting Licenses the present Year in the County of Hampshire is elapsed. And Praying That the Court of General Sessions of the Peace in said County may be impowered at their next term to grant him a License for that purpose.

Read and

Ordered That the Prayer thereof be granted, and that the Court of General Sessions of the Peace for the County of Hampshire at their next term are hereby Authorized and impowered to grant the Petitioner a License in due form of Law, the time for granting Licenses being elapsed notwithstanding he first obtaining the approbation of the Selectmen of Westfield for that purpose. [*Passed January 28.*]

CHAPTER 268.

VOTE IMPOWERING THE COLLECTOR OF TAXES OF SOUTH PRECINCT IN BRIDGEWATER TO COMPLETE HIS COLLECTION.

Legislative
Records of the
Council, xxiv.,
214.

House Jour-
nal, p. 203.

A PETITION of Josiah Edson jun^r of Bridgwater Setting forth That the Inhabitants of the South Precinct in said Town upon a legal warning met in the month of November 1759 and Voted a tax upon themselves of £200 towards building a new meeting House in the said Precinct and chose Timothy Perkins to collect the same, who collected about seven eights of said Tax and was then impeded by an Action brought against him by one of the Inhabitants on whom he had distrained for his rateable part of said Tax, and the Action turned against him as he was not chosen in the month of march, nor to supply a vacancy, nor clearly expressed in the Notification of said meeting the intention of choosing a Collector. And as there is no Complaint against said assessment, Praying that said Collector may be impowered to finish his Collection, any defect in the choice of him notwithstanding.

[Read and]

Voted That the Prayer of this Petition be granted, and that the said Timothy Perkins be and he hereby is impowered to compleat and finish the Collections of the Tax within mentioned any deficiency in the legality of the South Precinct in Bridgwater choosing him Collector to the contrary Notwithstanding. [*Passed January 28.*]

CHAPTER 269.

VOTE IMPOWERING ESTHER SPEEN, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
215. Mass.
Archives,
xxxiii., 130.

Mass.
Archives,
xxxiii., 188.
Province
Laws, xvi., 241,
chap. 76, note.

A PETITION of Esther Speen of Natick, Indian Setting forth That she is Afflicted with an Ulcer which renders her incapable of doing any business for the support of herself and Child of about six years of Age. And Praying she may have liberty under the direction of the Guardians of the Natick Indians to make Sale of so much of her real Estate lying in several parcells, as they shall judge necessary for the discharge of her debts, and for her support under her present difficulties.

[Read and]

Voted that the Prayer of this Petition be So far Granted as that the s^d Esther Speen, Be & is hereby fully authorized & Impowred to make Sale of so much of her Lands in Natick as the Guardians of the Natick Indians shall Judge Necessary for the Purposes mentioned in Said Petition, and to Execute a Good Deed or Deeds thereof in Law and also the s^d Guardians see that Justice be done her in the Sale of them, and that the money arising by the Sale thereof be by them Applied to the payment of the Just debts of the Petitioner & for her future Support.¹ [*Passed January 28.*]

CHAPTER 270.

VOTE IMPOWERING LUCRETIA LAWTON, ADM^x, TO SELL AN ESTATE.

A PETITION of Lucretia Lawton Administratrix of the Estate of Phiny Lawton late of Leicester deceased Setting forth That the deceaseds debts exceed his personal Estate, That his Real Estate consists of a House & Barn and twenty five Acres of land, which cannot be divided so as to sell a part without injuring the Estate. And Praying leave to sell the whole.

Legislative
Records of the
Council, xxiv.,
215.

House Jour-
nal, p. 203.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner in her capacity be, and she hereby is impowred to make Sale of the House and Lands within mentioned and to pass and execute a good deed or deeds in the Law to such person or persons as will give most for the same, she observing the direction of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester for her duly applying the Proceeds of said Sale agreeable to Law. [*Passed January 28.*]

CHAPTER 271.

ORDER IMPOWERING BENJ^A WYMAN, GUARDIAN, TO SELL A MINORS INTEREST IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Wyman of Wobourne Guardian of Elisabeth Blogget a minor, Daughter of Caleb Blogget deceased Setting forth That Elisabeth Wade Mother and Guardian of the said minor petitioned the General Court for liberty to sell the said minors share in the Estate of Nathan Blogget deceased being one forty fifth part thereof, and in answer to said Petition the Court impowred her the said Guardian on the 3^d of January 1749 to sell the same, but she soon after died and the said Share still remains unsold, which share being so small can be of little Service to the said minor. And Praying that He as Guardian may be impowred to make Sale thereof.

Legislative
Records of the
Council, xxiv.,
216.

House Jour-
nal, p. 202.
Province
Laws, ii., 151,
chap. 10; xiv.,
332, chap. 171.

Read and

Ordered That the Prayer of the Petitioner be granted, and that the Petitioner Benjamin Guardian to the said minor within named be and he is hereby allowed and impowred in his said capacity to

¹ Not found in the House Journal.

make sale of the said minors part and interest in the Estate within mentioned for the most it will sell for, and execute a good and sufficient deed therefor, notice of the time and place of such Sale being posted up in some Public place pursuant to the Law in such cases made and provided, the said Guardian giving caution to the Judge of Probate in the County of Middlesex that the produce of said Sale be secured to the said minor according to Law. [*Passed January 28.*]

CHAPTER 272.

ORDER IMPOWERING THE INHABITANTS OF SHUTESBURY TO LEVY AND ASSESS A TAX OF ONE PENNY PER ACRE FOR SEVEN YEARS.

Legislative
Records of the
Council, xxiv.,
207. Mass.
Archives,
cxvii., 749.

A PETITION of Abraham Hill at the request of the Town of Shutesbury Praying for a Tax on the Lands of the non resident Proprietors for finishing the Meeting House and making of public Roads,

Mass.
Archives,
cxvii., 748.
Legislative
Records of the
Council, xxiv.,
150. House
Journal,
pp. 149, 211.
Province
Laws, iv., 543,
note.

Read, and it appearing that the Petitioners had given out Notifications pursuant to the Order of Court; and no Answer being made.

Ordered That there be a Tax of one penny p acre assessed and levied for the purposes in s^d Petition mentioned on the unimproved Lands within said Town of Shutesbury for the term of seven years, and the Assessors and Constables or Collectors in said Shutesbury be and they hereby are respectively authorised and empowered to assess, and collect the same. [*Passed January 29.*¹]

CHAPTER 273.

VOTE GRANTING TO JOHN M^cKOWN LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiv.,
321. Mass.
Archives, cxl.,
500.

House Jour-
nal, p. 207.

A PETITION of John M^cKown² of Pemaquid in the County of Lincoln Setting forth That his House is very conveniently situated for a house of entertainment to accomodate Travellers who cross the River near it; and that there is no Tavern within eight miles of it, And Praying That He may be accordingly licensed for that purpose.

[Read and]

Voted that y^e Prayer of this Petition be so far granted as that the Petitioner be and he hereby is Licenced to Keep a Tavern at Pemaquid untill the Court for granting Licences in y^e County of Lincoln provided that he Recognizes before Two Justices of the Peace Quorum unns for the County of Lincoln with Two sufficient Suretys for his paying his Excise. & Keeping good Rule & order which Recognizance shall be lodged in the Clerks Office of y^e Court of general Sessions of y^e Peace for s^d County.³ [*Passed January 29.*]

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 27.

² The House Journal, p. 207, reads, "*Robert McRower.*"

³ This chapter is entered in Legislative Records of the Council, xxiv., 321, under date of March 6, 1762.

CHAPTER 274.

ORDER ALLOWING £2 TO JOSIAH EDSON, ESQ^R.

A PETITION of Josiah Edson Esq^r Setting forth That the General Court in 1759, directed the Petitioner to inquire into the Facts contained in the Petition of one Cæsar Eson a negro preferred to said Court, that in obedience to the Court he made the proper inquiry, and spent much time in riding and searching Records, looking up Papers tracing the Title for near 100 years back, and hearing the Parties several times. And Praying an Allowance.

Read and

Ordered that the Sum of two pounds be paid out of the publick Treasury to the Pet^r in full for his Service within mentioned. [*Passed January 29.*]

Legislative
Records of the
Council, xxiv.,
217. Mass.
Archives, cv.,
621.

Mass.
Archives, cv.,
620. House
Journal,
pp. 202, 209.
Province
Laws, xvi., 505,
chap. 360.

CHAPTER 275.

ORDER ALLOWING £3. 12 AND A FURTHER AMOUNT OF 13/ 4 TO ABNER RAY.

A PETITION of Abner Ray of Stow Setting forth That his Father Abel Ray inlisted as a Soldier in the Pay of the Province in 1760, and was taken sick and died at Shrewsbury about two months after his Inlistment having never received either billeting money or Wages. And Praying an allowance therefor; and also for the expence of his Sickness.

Read and

Ordered that the Sum of three pounds twelve shill^{gs} be p^d out of the publick Treasury to the Pet^r in full for his Father's Wages and thirteen shill^{gs} and four pence for his billeting. [*Passed January 29.*]

Legislative
Records of the
Council, xxiv.,
217. Mass.
Archives,
lxxix., 762.

Mass.
Archives,
lxxix., 762.
Legislative
Records of the
Council, xxiv.,
60. House
Journal, pp. 58,
69, 183, 208.

CHAPTER 276.

ORDER ALLOWING £6. 15 TO JN^O MITCHELL.

A PETITION of John Mitchell Setting forth That his son John Mitchell served as an Ensign in Cap^t Jefferds Company the last year, and was left sick at Crown Point, where he died on the 3^d of February. And Praying he may be allow'd Wages from the time the Roll was made up to the time of his decease.

Read and

Ordered that the Sum of six pounds fifteen Shillings be paid out of the publick Treasury to Joseph Sayer Esq^r for the Use of the Pet^r in full for his Son's Wages mentioned. [*Passed January 29.*]

Legislative
Records of the
Council, xxiv.,
218. Mass.
Archives,
lxxix., 695.

House Jour-
nal, pp. 199, 209.

CHAPTER 277.

ORDER ALLOWING £2.18 EACH TO EMMONS STOCKWELL, NATHANIEL SMITH, JOTHAM HOUGHTON, JOHN ROGERS, PETER GROUT AND DANIEL DUNCAN.

Legislative
Records of the
Council, xxiv.,
218.

House Jour-
nal, pp. 199, 200,
209.

A PETITION of Emmons Stockwell, Nathanael Smith, Jotham Houghton, John Rogers, Peter Groat and Daniel Duncan, Soldiers in the year 1760 in Cap^t Paiges company and Col^o Ruggles's Regiment Setting forth That they were by mistake made up forty days each short of their time of Service, whereby they are deprived not only of their Wages for the time, but also of their Billeting. And Praying Relief.

Read and

Ordered That the sum of Two pounds eighteen shillings be paid out of the Public Treasury to M^r Joshua Willard for the use of each one of the Persons within named, being in the whole Seventeen pounds eight shillings. [*Passed January 29.*]

CHAPTER 278.

ORDER IMPOWERING SARAH FARRINGTON, GUARDIAN, TO SELL AN INTEREST IN AN ESTATE.

Legislative
Records of the
Council, xxiv.,
322. Mass.
Archives,
lxvi., 166.

Mass.
Archives,
lxvi., 164.
House Jour-
nal, p. 208.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Farrington of Boston Setting forth That her late Husband William Farrington Anno 1747, sailed from Boston and being taken by the Enemy was put on board a leaky Vessel and has never been since heard of. That his whole Estate was $\frac{5}{8}$ ^{ths} of a Brick house in Boston, and very little personal Estate, all which He by Will gave to the Petitioner, desiring her to be mindful of his then only child Joseph Farrington. That five months after her said Husband Sailed She had another Son born to him, William, now a minor of 15 years of Age, who, she is informed, is intituled to the same Share of his Fathers Estate as he would have been in case he had dyed Intestate. That She hath by her own Industry and the Rent of the House well supported her Children hitherto; but that the House is now much out of Repair, and she wholly unable to make it tenantable And Praying that She as Guardian to her Son William may be empowered to make sale of his interest therein.

Read &

Ordered that the Prayer of the Petition be So far Granted as that the Petitioner in her Capacity as Guardian be & She is hereby authorized & Impowered to make Sale of her Childs Interist in the house mentioned in the Petition for the most the Same will fetch & make & Exceute a good Deed of Sale in the Law for conveying the Same She observing the Directions of the Law relateing to the Sale of Real Estates by Exec^{rs} & adm^{rs} & Giveing Sufficient Caution to the Judge of Probates for the County of Suffolk to account for the Proceeds arising by s^d Sale.¹ [*Passed January 29.*]

¹ This chapter is entered in the Legislative Records of the Council, xxiv., 322, under date March 6, 1762.

CHAPTER 279.

VOTE IMPOWERING TRYPHINA HIND, ADM^X, TO EXECUTE A DEED OF LAND IN STOCKBRIDGE AND ALSO TO SELL LAND IN WESTERN.

A PETITION of Tryphena Hinds, Administratrix of the Estate of her late Husband Jacob Hinds late of Weston deceased Setting forth That in August 1760 the deceased being seized in Fee of thirty two Acres of land in Stockbridge sold the same to one Moses Williams of said Stockbridge for £81 and gave his obligation to execute a deed of the same; but dyed before he had so done, Therefore Praying She may be impowered to execute the said Deed, Also further Setting forth, That the said deceased dyed seiz'd of Fifty Acres of Land in Western aforesaid appriz'd at £170 and left but two Children, daughters, the eldest of which is not four years of Age, so that the Land is in danger of returning to its Wilderness State, And Praying leave to sell the same, two thirds of the produce thereof to be put out at interest by the Guardians of the said Children for their use and benefit, she enjoying the benefit of the other third during her natural Life, and securing the same to the said Children and their heirs after her decease,

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner in her capacity be and She hereby is impowered to make and execute a good deed of the Tract of Land within mentioned lying in Stockbridge to the within named Moses Williams his heirs and Assigns

And that she further be and She hereby is also impowered to make Sale of the Tract of land lying in Western for the reasons in said Petition mentioned, and to execute a good deed or deeds of the same to such Persons as shall give most therefor: She observing the direction of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probates for the County of Worcester that the money arising by said Sale may be applied as in said Petition mentioned.¹ [*Passed February 1.*]

Legislative
Records of the
Council, xxiv.,
320.

House Jour-
nal, p. 213.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 280.

ORDER ALLOWING £40 TO REV^D M^R MARTIN SCHAFFER.

A PETITION of Martin Schaffer, a Protestant minister, who was born in Saxony Setting forth That he came into America about ten Years since, and was at Pensylvania about seven Years, and three Years at New York preaching to his Countrymen in those places. That having an invitation to preach the Gospel to his Countrymen at Lunenburgh in Nova Scotia, who were destitute of a minister, he with the consent of his Flock at New York undertook the Service, and embarked for that place on the 25th November last, and on the 6th of December was cast away at Nantucket, when He and his Wife with much difficulty saved their Lives; but had the misfortune to lose their Child, and also One hundred and ten pounds

Legislative
Records of the
Council, xxiv.,
221. Mass.
Archives, xiv.,
235.

Mass.
Archives, xiv.,
292. House
Journal,
pp. 199, 212.

¹ This chapter is entered in Legislative Records of the Council, xxiv., 320, under date March 6, 1762.

Stirling in money, 150 Books, and all their wearing Apparrell. All which he takes leave to lay before the Court for their compassionate consideration.

Read and

Ordered that the sum of forty pounds be granted and allowed out of the publick Treasury to the Petitioner in consideration of his Losses and Sufferings mentioned. [*Passed February 1.*]

CHAPTER 281.

ORDER ALLOWING £60 TO SELECTMEN OF TISBURY TO BUILD A HOSPITAL.

Legislative
Records of the
Council, xxiv.,
221. Mass.
Archives,
lxxxvii., 355.

Mass.
Archives,
lxxxvii., 354.
House Jour-
nal, pp. 207, 211,
212.

A PETITION of James Athearn, Representative of Tisbury on Martha's Vineyard Setting forth That most of the Provision Vessels from the Southern Provinces to this Province & nova Scotia pass thro' Martha's Vineyard Sound, and often put in at Holmes Hole lying in Tisbury for a fair Wind round the Cape, by which means the Small pox hath been frequently brought in among them; and as few of the Inhabitants have had it, they are thereby exposed to danger, and the Sick on that account cannot be so well provided for. and Praying that a Hospital may be built by the Government for the reception of such as may be landed there sick of that distemper.

Read and

Ordered That the sum of sixty Pound Lawfull money be Paid out of the Province Treasury to The select men of Tisbury To Build an Hospital in some Suitable Place at Tisbury on y^e westerly side of the harbour Called homes^s hole Provided the Town of Tisbury shall agree to Build a suitable house for an hospital for the Reception of Such Persons as are visited with Infectious Diseases S^d Town agreeing to be at the Remainder of the Charge of Building said hospital Provided also That before any of Said money be Drawn out of the Treasury a Plan of y^e hospital & Vote of the Town of Tisbury relative to the Building & maintaining s^d Building & Supporting y^e Sick there be laid before this Court and approved of. [*Passed February 1.*]

CHAPTER 282.

ORDER ALLOWING £2. 12. 4 TO NATH^l MAN.

Legislative
Records of the
Council, xxiv.,
221a. Mass.
Archives,
lxxx., 17.

Mass.
Archives,
lxxx., 17.
House Jour-
nal, p. 210.

A PETITION of Nath^l Man of Needham Setting forth That his Son Abijah Mann was a Soldier in the Pay of the Province in Cap^t Ephraim Jackson's Company in 1760, that he sickened at crown Point and died there on the 23^d of September; that his sickness occasioned him an extraordinary expence, besides which he is made up one month and thirteen days short in the muster Roll. And Praying an Allowance.

[Read and]

Ordered that there be paid out of the Publick Treasury two Pounds twelve shillings & four pence for one month & thirteen Days time

the Petitioners son was made up short in the Roll & this to be in full, to be paid to Mr Amos Fuller for the use of the Petitioner.
[*Passed February 1.*]

CHAPTER 283.

ORDER ALLOWING £13. 6. 8 TO SARAH CROSBY.

A PETITION of Sarah Crosby Setting forth That her late Husband Daniel Crosby of York deceas'd was a Soldier in the Pay of the Province in the Campaign in 1760, and contracted such Illness by the hardships he endured in the Service, that he continued languishing till November last and then died, and by reason of such long Illness hath expended his substance, and left her and three Children in distressing circumstances And Praying Relief.

Read and

Ordered that the sum of thirteen pounds Six Shillings and eight pence be paid out of the publick Treasury to John Bradbury Esq^r for the Use of the Pet^r in full. [*Passed February 2.*]

Legislative
Records of the
Council, xxiv.,
221b. Mass.
Archives,
lxxx., 91.

Mass.
Archives,
lxxx., 90.
House Jour-
nal, pp. 189, 211.

CHAPTER 284.

ORDER IMPOWERING SARAH RIGGS TO SELL REAL ESTATE.

A PETITION of Sarah Riggs of Gloucester Setting forth That her late Husband Thomas Riggs deceased gave her the improvement of his Estate Real and personal after his debts were paid during her Widowhood; That eight Acres of his Land has already been sold by order of the Superior Court for payment of debts; that there is now remaining a Dwelling House (much out of repair) and about four Acres of Land which is far from being sufficient to support her, she being now in her 76th year. And Praying leave to sell the same for her support,

[Read and]

Ordered That the Prayer of the Petition be so far granted as that the Petitioner be and hereby is empowered to make sale of the House and Land mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds of conveyance thereof, She observing the Rules in the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Essex that the money arising from the Sale thereof be applied for the purposes mentioned in the Petition. [*Passed February 2.*]

Legislative
Records of the
Council, xxiv.,
221b.

House Jour-
nal, p. 218.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 285.

VOTE GRANTING TO EDWARD PAYSON, JR, LICENCE TO KEEP AN INN.

A PETITION of Humphry Hobson and others Selectmen of Rowley Setting forth That since the Bridge over Old Town Ferry in Newbury has been built, the course of travelling is so altered, as to render it necessary to have a Tavern set up for the accomodation

Legislative
Records of the
Council, xxiv.,
222. Mass.
Archives, cxi.,
515.

Mass.
Archives, cxi.,
514. House
Journal, p. 214.

of Travellers. And Praying that Edward Payson may be licensed for that Purpose.

[Read and]

Voted, That the Justices of the Court of General Sessions of the Peace for the County of Essex be, and hereby are empowered at their next Term, to grant unto Edward Payson Jun^r of Rowley a Licence as an Inn-holder in said Town, he first obtaining the Approbation of the Selectmen, the Time for granting Licences being elapsed notwithstanding. [*Passed February 2.*]

CHAPTER 286.

ORDER REDUCING THE PROVINCE TAX OF THE TOWN OF SUNDERLAND.

Legislative
Records of the
Council, xxiv.,
222.

House Jour-
nal, pp. 197, 213.
Province
Laws, iv., 476,
chap. 17; 545,
note.

A PETITION of Nathanael Smith and Others, Selectmen of the Town of Sunderland Setting forth That the Tax laid upon them in the last Valuation so far exceeds that of other Towns, exceeding in particular that of the Town of Deerfield, that they apprehend there must be some great mistake therein, And Praying Relief.

Read and in answer

Ordered That the Assessors of said Town of Sunderland instead of assessing the Sum of Two hundred and seven pounds five shillings and five pence set upon the present year (including Representatives Pay) that they assess only the Sum of One hundred and thirty two pounds five shillings and five pence inclusive of their Representatives Pay as aforesaid. [*Passed February 2.*]

CHAPTER 287.

ORDER IMPOWERING THE GUARDIANS OF THE CHILDREN OF REV^d MR. JOHN WHITE, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiv.,
223. Mass.
Archives, xix.,
709.

Mass.
Archives, xlx.,
708. House
Journal,
pp. 218, 219.
Province
Laws, li., 151,
chap. 10; xvi.,
619, chap. 117.

A PETITION of Thomas Allen and Others Setting forth That the Rev^d M^r John White of Gloucester deceased by his last Will devised all his Real Estate to be equally divided among three of his Children then living and the heirs of two of them who were then dead; that some of the Children are since dead, and the heirs are now numerous and some of them live remote. That the Real Estate consists of a Dwelling House and Barn, about nine Acres of Pasture Land, a few Acres of Orcharding, mowing Land and Salt marsh appraised at £305.6.8 whereof one third is already set off to the Widow, and to divide the other two thirds among all that are interested in it would be of little service. And Praying liberty to sell the whole of the said Real Estate, the produce to be divided among those severally interested therein,

Read and

Ordered that this Petition be revived and that the Prayer thereof be granted and that the Guardians of s^d minors be and they hereby are empowered to make sale of the s^d minors Intrest in the Estate of the Deceased, and in their Reversion of the same and give a good and sufficient Deed or Deeds for the same they observing the Directions of the Law for the sale of Real Estates by Executors and

Administrators and giving sufficient Caution to the Judge of Probate for the County of Essex to account for the proceeds of such Sale according to Law. [*Passed February 2.*]

CHAPTER 288.

ORDER ALLOWING £15 TO JA^S MORTON.

A PETITION of James Morton of Blanford Clerk Setting forth That as He dwells on the Road leading from the Army. he hath been frequently obliged to entertain both Officers and Soldiers. which he hath done without asking or expecting any Pay; but it hath so happened that on their Return from the last Campaign they brought the Small pox into his Family, two of whom catch'd the distemper, and one of them died, and to prevent the rest from taking it, he removed four of his Children putting them out to board; all which has been too expensive for his low circumstances in life to support. And Praying Relief.

Read and

Ordered that the Sum of fifteen pounds be allowed and paid out of the publick Treasury to the Pet^r in full for his expences mentioned. [*Passed February 2.*]

Legislative
Records of the
Council, xxiv.,
223. Mass.
Archives, cv.,
615.

Mass.
Archives, cv.,
614. House
Journal,
pp. 217, 220.

CHAPTER 289.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £5.17 FOR THE EXPENSE THEREOF.

THE COMMITTEE to Farm out the duties of Excise upon Tea Coffee and China Ware in the County of Middlesex reported That they had sold the same to M^r Samuel Blogget for £245 and had taken Bond for the same, which they had lodged with the Province Treasurer. And Praying Allowance of the Expence attending said Sale, being £5.17.

Read and Accepted, And

Ordered that the sum of Five pounds seventeen shillings be allowed and paid out of the Publick Treasury to the Committee for their expences and service in the Affair. [*Passed February 2.*]

Legislative
Records of the
Council, xxiv.,
223.

House Jour-
nal, p. 214.
Ante, p. 58,
chap. 138.

CHAPTER 290.

VOTE IMPOWERING SARAH FISHER, WIDOW, AND JONATHAN RICE, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Sarah Fisher Widow and Relict of William Fisher late of Holden deceased and of Jonathan Rice Guardian of Sarah Fisher daughter of said deceased an Infant of about four years of age Setting forth That the said deceaseds Real Estate consists of about ninety Acres of Land in said Holden with very little improvements thereon apprizd at £140. That said Estate will rent for

Legislative
Records of the
Council, xxiv.,
224.

House Jour-
nal, p. 218.
Province
Laws, ii., 151,
chap. 10.

about Four pounds *p* Annum the repairs to come out of that sum, and that they apprehend it will be more for the Childs benefit to have the place sold, and the money arising by such Sale put out at Interest than to keep the Estate. And Praying leave to sell the same accordingly

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioners in their capacity be and hereby are impowered to make Sale of the Real Estate within mentioned for the most the same will fetch and to pass and execute a good deed or deeds in the Law to the Purchaser or Purchasers, they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to apply the proceeds of said Sale as in said Petition mentioned. [*Passed February 2.*]

CHAPTER 291.

ORDER IMPOWERING THOMAS FOSTER, ESQ^r, ADM^r, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
228.

House Jour-
nal, p. 215.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Thomas Foster Esq^r of Plymouth Setting forth That he is appointed Administrator de bonis non with the Will annexed of the Estate of Gershom Stetson of Scituate deceased, who by his last Will devised his Estate to his three Sisters and the Children of four deceased Brothers and of one deceased Sister, the number of whom amounts to 30, or 31 Persons, who live in the different Governments of Massachusetts, Connecticut, Rhode Island and Nova Scotia. That the Real Estate consists of a House and Barn and about fifty Acres of Land apprized at £188.14.4 which it is impossible to divide among the respective Devises, a great part of whom are therefore desirous it should be sold, and the produce divided among them. And Praying liberty to sell the same accordingly.

Read and

Ordered That the Prayer of the Petition be granted, and the Administrator in his capacity be and hereby is impowered to make Sale of the Lands mentioned in the Petition, and make and execute good & sufficient deeds of the same, Provided he give fifty days notice in some one of the Boston News Papers of the time and place of Sale, and that none of the heirs object to the Sale of said Lands within the term mentioned, and that the Lands are not sold for less than they have been apprized at. It is further

Ordered that the Petitioner pay the Proceeds to the several Devises in proportion to their respective Interests in the said Estate, & the Petitioner is to give caution to the Judge of Probate for the County of Plymouth accordingly. [*Passed February 4.*]

CHAPTER 292.

VOTE THAT THE PROVINCE TREASURER GIVE BOND WITH SURETIES
AND APPOINTING A COMMITTEE TO EXAMINE THE SAME.

In the House of Representatives

Voted that no Person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present year shall be esteemed duly qualified to enter upon the execution of that Office until he shall first have an Oath Administred to him for his faithful performance of his said Office; and shall give bond with sufficient Sureties to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty Thousand pounds lawful money to the three eldest Councillors in the Province for the time being, who are hereby appointed a Committee in behalf of the Province and especially authorised for this purpose, which Bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law, and for his rendring an Account when and so often as he shall be required by the General Court of all such Sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office or to any other Person that may be appointed by the General Court to receive the same all such sum or Sums of money as upon such Settlement of his said Accounts or otherwise shall be found due and payable from him to the Province: Provided that said Bond be put in Suit within two years next after the date thereof, otherwise to be void and of no Effect: and that Royall Tyler and Thomas Cushing Esq^{rs} with such as the honorable Board shall join be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council Read and Concurred and Thomas Hancock Esq^r is joined in the affair. [*Passed February 5.*]

Legislative
Records of the
Council, xxiv.,
230.

House Jour-
nal, p. 228.
Infra, chap.
293.

CHAPTER 293.

VOTE APPOINTING HARRISON GRAY, ESQ^a, AS PROVINCE TREASURER.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year when Harrison Gray Esq^r was chosen Treasurer and Receiver General for the Province by a major part of the Council and House of Representatives. [*Passed February 5.*]

Legislative
Records of the
Council, xxiv.,
231.

House Jour-
nal, p. 229.
Supra, chap.
292.

CHAPTER 294.

VOTE APPOINTING THOMAS HUBBARD AS OFFICER FOR PURCHAS^g PRO-
VISIONS.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year when the honorable Thomas Hubbard Esq^r was chosen the Officer for purchasing Provisions &c for the several Garrisons and Forts by a major Vote of the Council and House of Representatives. [*Passed February 5.*]

Legislative
Records of the
Council, xxiv.,
231.

House Jour-
nal, p. 229.

CHAPTER 295.

VOTE APPOINTING JAMES RUSSELL COMMISSIONER OF IMPOST.

Legislative
Records of the
Council, xxiv.,
231.

House Jour-
nal, p. 229.

ACCORDING TO AGREEMENT, the two Houses proceeded to the choice of civil Officers for the present year when James Russell Esq^r was chosen Commissioner of Impost by a major Vote of the Council and House of Representatives. [*Passed February 5.*]

CHAPTER 296.

VOTE APPOINTING COLLECTORS OF EXCISE FOR ALL COUNTIES.

Legislative
Records of the
Council, xxiv.,
231.

House Jour-
nal, pp. 229, 230.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of civil Officers the present year, when the Underwritten Persons were chosen Collectors of Excise on spirituous Liquors &c for the several Counties hereafter mentioned by a Major Vote of the Council and House of Representatives.

County of Suffolk	Mr Thomas Fletcher
County of Middlesex	Mr John Remington
County of Essex	Daniel Epes Esq ^r
County of Hampshire	Mr Solomon Stoddard
County of Worcester	Gardner Chandler Esq ^r
County of Plymouth	Mr John Cushing jun ^r
County of Barnstable	Nath ^l Stone Esq ^r
County of Bristol	Mr Seth Williams
County of York	Mr Daniel Clark
Dukes County	Mr James Allen jun ^r
County of Nantucket	Obed Hussey Esq ^r
County of Cumberland	Mr Theophilus Bradbury
County of Lincoln	Charles Cushing Esq ^r
County of Berkshire	Mr Elisha Jones jun ^r

[*Passed February 5.*]

CHAPTER 297.

VOTE APPOINTING NOTARIES PUBLIC.

Legislative
Records of the
Council, xxiv.,
232.

House Jour-
nal, pp. 230, 231.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year, when the Underwritten Persons were chosen Public Notaries for the several Ports hereafter mentioned by a major Vote of the Council and House of Representatives.

For the Port of Boston.	Ezekiel Goldthwait Esq ^r & Mr Ezekiel Price
For the Port of Salem	John Nutting Esq ^r
For the Port of Marblehead	John Chipman Esq ^r
For the Port of Gloucester	Daniel Witham Esq ^r
For the Port of Newbury	William Atkins Esq ^r
For Plymouth	Edward Winslow Esq ^r
For Barnstable	Solomon Otis Esq ^r
For Bristol	Mess ^{rs} Tho ^s Gilbert and Elisha Tobey
For York	Daniel Moulton Esq ^r
For Kittery	Mr Charles Chauncy.
For Wells	Mr John Wheelwright
For Cumberland	Stephen Longfellow Esq ^r
For Lincoln	Mr Thomas Moulton
For Dukes County	John Norton Esq ^r
For Nantucket	Mr Obed Hussey.

[*Passed February 5.*]

CHAPTER 298.

ORDER REMITTING TO JACOB JOY A FINE FOR SELLING LIQUOR WITHOUT A LICENCE.

A PETITION of Jacob Joy of Weymouth Setting forth That at the desire of many People in a time of Sickness he had sold Rum in the said Town, having obtained the approbation of the Selectmen, but not a License from the Court of Sessions. That the Collector of Excise for the County of Suffolk hath prosecuted him for breach of Law and recovered of him upwards of Twenty four pounds And Praying that he may be relieved.

Read and

Ordered that the Prayer of the Petition be So far Granted as that the Collector of Excise for the County of Suffolk be Directed to Remit to the Petitioner the Provinces part of the fine^s on the Several Convictions mentioned in the Petition the Petitioner first paying two pounds six shillings & Eight pence being the Duty on 70 Gallons of Rhum & Spirits Sold by him. [*Passed February 6.*]

Legislative
Records of the
Council, xxiv.,
233. Mass.
Archives, cxx.,
405.

Mass.
Archives, cxx.,
404. House
Journal,
pp. 186, 229.
Province
Laws, iv., 356,
note.

CHAPTER 299.

VOTE IMPOWERING ELISABETH TAILER, ADM^x, TO SELL PART OF AN ESTATE.

A PETITION of Jacob Royall, William Tailer and Sarah Tailer in behalf of themselves, and Elisabeth Tailer Administratrix of the Estate of Gillam Tailer late of Boston in the County of Suffolk Physician deceased, and Guardian to her children Abigail and Gillam Setting forth That the said Abigail and Gillam are interested one fifth part in a Tract of undivided Land in the Town of Lunenburgh in which the said Elizabeth their mother has her Right of Dower, that the other Proprietors are about selling their interest in the said Tract of Land, and as she apprehends it will be for her interest and the interest of her Children to sell the said fifth part. Praying leave to sell the same accordingly.

[Read and]

Voted That the Prayer of this Petition be so far granted as that Elisabeth Tailer in her capacity of Administratrix on the Estate of Gillam Tailer deceas'd, be and hereby is authorised and impowered to make Sale of the one fifth part of the Tract of Land (belonging to the Estate of the said Gillam) as mentioned and set forth in the Petition, and to execute a good legal deed or deeds of the same, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to account for the proceeds of said Sale according to the directions of the Law. [*Passed February 6.*]

Legislative
Records of the
Council, xxiv.,
233.

House Jour-
nal, pp. 217, 218.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 300.

VOTE IMPOWERING JEDEDIAH BOURN, GUARDIAN, TO JOIN WITH OTHERS IN MAKING SALE OF LANDS.

Legislative
Records of the
Council, xxiv.,
234.

House Jour-
nal, p. 217.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Persis Kent of Boston Widow, Robert Jenkins of Boston Merchant and Persis his Wife, Elisabeth Kent of Boston Spinster, and Jedediah Bourn of Marshfield, Guardian of Joseph Kent and John Kent Minors Children of the said Persis Kent Setting forth That the said Minors are interested with the other Petitioners in a few Acres of Land in Marshfield so situated as to be incapable of making a settlement, and all the others interested therein are desirous of Selling their Shares; And Praying leave to sell the said minors Shares of the said Land.

[Read and]

Voted That the Prayer of the Petition be granted, and that Jedediah Bourn Guardian to Joseph and John Kent minors and Children of Persis Kent be impowered to join with the other Petitioners in making sale of the said Lands mentioned in said Petition, and to make and execute a good deed or deeds for conveyance thereof he giving sufficient security to the Judge of Probate for the County of Plymouth to account with the said minors for their part of the proceeds of the Sale and interest thereon when they shall respectively arrive at lawful Age. [*Passed February 6.*]

CHAPTER 301.

ORDER IMPOWERING JOANNA TOTMAN TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
235.

House Jour-
nal, p. 227.

A PETITION of Joanna Totman¹ of Plymouth setting forth That her husband died very poor, and she hath four Children one of whom was born after the decease of her said Husband, that the said Children are interested one fourth part in a Lot of Land left them by their Grandmother which is not worth more than seven or eight pounds at the most, And Praying she may be enabled to sell the same for their Support, 'till they shall be fit to put out into good Families.

Read and

Ordered That the Prayer of the Petition be granted, and that the Petitioner be allowed to make Sale of the Lands mentioned in the Petition and to make and execute a good and sufficient deed or deeds of the same, She giving caution to the Judge of Probates for the County of Plymouth that the money arising by the sale of the Lands be improved for the support of the Children of the said Joshua Totman. [*Passed February 6.*]

¹ The House Journal, p. 227, reads, "*Totman.*"

CHAPTER 302.

ORDER IMPOWERING SAMUEL WARREN AND JOHN LELAND, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Warren of Mendon, Guardian to Bridget Morse, a person non compos mentis, Widow of Aaron Morse late of Holliston deceased, and of John Lealand of Holliston Guardian to Ann and Mary Morse Minors, and Children of said deceased, and of said Widow Setting forth That the deceaseds Farm is much out of Repair, and the House not worth repairing; that it will rent for no more than Ten pounds ~~p~~ Annum, the Widows thirds of which is not sufficient for her support, and that they can now sell the place to great advantage. And Praying the Courts consideration hereupon.

Legislative
Records of the
Council, xxiv.,
236.

House Jour-
nal, p. 211.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioners be allowed and impowered (in their capacity) to make sale of the Lands & Buildings within mentioned for the most the same will fetch, they first posting up notifications of time and place of Sale according to Law in that case provided, and giving sufficient caution to the Judge of Probate for the County of Middlesex that the Income of one third part thereof be for the Support of the Widow during Life, the residue to be divided to and among the heirs agreeable to law, and at the decease of the Widow such part as is assigned to said Widow be also divided among the heirs as aforesaid. [*Passed February 6.*]

CHAPTER 303.

ORDER IMPOWERING EZRA HOLBROOK, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ezra Holbrook of Sherburne Guardian to Caleb Gardner a minor Setting forth That the said minor hath been by sickness rendred for a long time incapable of service, and it is not likely he will ever be capable of performing any servile business; that his personal Estate is spent, and he remains still in debt; that his Real Estate is so circumstanced that it cannot make a proper Farm or Settlement, and the Income of it is not more than a third part of what the produce of the Sale would yeild upon Interest. And Praying leave to make Sale of the said Estate for the benefit of the said minor.

Legislative
Records of the
Council, xxiv.,
236.

House Jour-
nal, p. 216.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner be allowed and impowered in his said capacity to make Sale of the Real Estate in said Petition mentioned for the most it will fetch; and to make and Execute a good and sufficient deed or deeds of conveyance thereof, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the produce arising by such

Sale shall be applied for the purposes mentioned and that the overplus, if any there be, he be accountable for agreeable to Law. [*Passed February 6.*]

CHAPTER 304.

ORDER REMITTING TO THE TOWN OF FALMOUTH £10 FINE FOR NOT SENDING A REPRESENTATIVE IN 1760-61.

Legislative
Records of the
Council, xxiv.,
237. Mass.
Archives, l.,
161.

A PETITION of Joseph Robinson Representative of the Town of Falmouth in the County of Barnstable Setting forth That the said Town considering the smallness of it and the poverty of its Inhabitants did not send a Representative to Court in the year 1760, for which the then House of Representatives fined the said Town Ten pounds, which they esteem a great hardship. And Praying Relief.

Read and

Mass.
Archives, l.,
160. House
Journal, p. 232.
Province
Laws, iv., 391,
chap. 11; 441,
note.

Ordered that the prayer of the Petⁿ be granted and that the sum of ten pounds be granted out of the publick Treasury to Cap^t Joseph Robinson for the Use of said Town. [*Passed February 6.*]

CHAPTER 305.

RESOLVE ALLOWING £100 FOR SICK SOLDIERS SERVING AT THE WESTWARD.

Legislative
Records of the
Council, xxiv.,
237. Mass.
Archives,
lxxx., 125.

House Jour-
nal, p. 231.

In the House of Rep^{ves}

The House being informed that the Soldiers in the pay of this Province & serving westward are falling under Scorboutick Disorders.

Resolved that John Ashley Esq^r be appointed & impowered to Provide such things as are best to help said Soldiers under that or any other Disorders & have them immediately transported to the People & the better to enable him to execute this Trust, that the sum of one hundred Pounds be paid him by the Treasurer to be disposed of in whole or in part as he finds their Circumstances require & he to report to this Court his doings thereon.

In Council Read and Concurred. [*Passed February 6.*]

CHAPTER 306.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
237.

THE FOLLOWING ORDERS passed upon Sick and wounded Soldiers viz^t

Mass.
Archives,
lxxviii., 566;
lxxix., 616;
lxxx., 77, 117,
118. House
Journal,
pp. 227, 228.

To Josiah Dwight Esq^r the sum of £2 for the use of Charles Colton in full. To Josiah Keen Esq^r £6 for the use of Ichabod Bonney in full. To Tho^s Goldthwait Esq^r £8.16.8 for the use of Samuel Jenks in full, To Ezekiel Turner Esq^r £2 for the use of Thomas Rogers in full. To Cap^t Abel Lawrence £4.8 for the use of the Selectmen of Groton in full. To Solomon Doane £2.9 in full. To Brigadier Ruggles £3.6 for the use of Edward Smith in full. To Samuel Phillips Esq^r £1.4 for the use of George Davis in full. To Cap^t Joseph Robinson £12.16 exclusive of the Doctors Bill for

the use of Reuben and Cornelius Fish in full. To Henry Gardner Esq^r £3.2.8 for the use of Peter Wheeler in full. To Cap^t Enoch Kidder £2.15.8 for the use of Eleanor Bayley in full. [*Passed February 6.*]

CHAPTER 307.

VOTE IMPOWERING CHA^s PIERCE, J^s, GUARDIAN, TO SELL AN INTEREST IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Charles Pierce jun^r of Newbury, Guardian to his daughter Sarah, only Child of the Petitioners late Wife, Daughter of Grafton Feaveryear of Boston deceas'd Setting forth That his said Daughter in Right of her deceased mother is interested one fourth part in a Wooden House and lot of Land in Boston. That the other heirs who are of Age judge it for their interest to sell their Shares, and as one quarter part only of said House and Land can be of little benefit to the said minor, Praying leave to sell the same, the produce thereof to be improved at interest for the benefit of said daughter.

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioner in his capacity of Guardian be empowered to make Sale of his daughters interest in the House and Lot of Land in said Petition mentioned for the most the same will fetch and to make and execute a good deed of the same, giving sufficient caution to the Judge of Probate for the County of Suffolk, that the money arising by said Sale shall be let to interest for the benefit of his said daughter Sarah until she Arrive to lawful Age: and then the whole sum both of Principal and Interest be paid to the said Sarah. [*Passed February 8.*]

Legislative
Records of the
Council, xxiv.,
238.

House Jour-
nal, p. 220.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 308.

ORDER IMPOWERING HANNAH LIBBEY, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Libby Administratrix of the Estate of Jonathan Libby late of Scarborough in the County of Cumberland deceased Setting forth That the deceaseds personal Estate will not pay his just debts by £144.13.4½ he having just before his decease made a purchase of Lands which are still unpaid for. And Praying leave to sell so much of the said deceaseds Real Estate as will be sufficient to pay his just debts.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Petitioner in her capacity of Administratrix be and hereby is empowered to make sale of so much of the Real Estate mentioned in the Petition as will amount unto the sum of One hundred and forty four pounds 13/4½ for the most the same will sell for, and to make and execute a good deed or deeds of sale in the law for conveying the same, she observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and

Legislative
Records of the
Council, xxiv.,
239.

House Jour-
nal, p. 233.
Province
Laws, ii., 151,
chap. 10.

giving sufficient caution to the Judge of Probate for the County of Cumberland that the proceeds arising by said Sale be applied to the payment of the just debts of the said deceased. [*Passed February 8.*]

CHAPTER 309.

VOTE ALLOWING £3 TO THO^s SIMONS.

Legislative
Records of the
Council, xxiv.,
239. Mass.
Archives,
lxxx., 124.
Mass.
Archives,
lxxx., 124.
House Jour-
nal, p. 234.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of Thomas Simons of Rehoboth Setting forth That he was a Soldier in the Pay of the Province in 1758, and lost his Gun in the Action at Ticonderoga, for which Gun there was three pounds stopped out of his Wages. And Praying Relief.

[Read and]

Voted That y^e sum of Three pounds be paid out of y^e publick Treasury to Jarathmell Bowers Esq^r (in full) for y^e Use of y^e peti-
nourr. [*Passed February 8.*]

CHAPTER 310.

VOTE APPOINTING MARK HOPKINS TREASURER OF BERKSHIRE COUNTY.

Legislative
Records of the
Council, xxiv.,
239.

IT APPEARING to this Court that by the Law erecting the County of Berkshire no Provision is made for appointing a County Treasurer for said County.

Therefore

Legislative
Records of the
Council, xlii.,
671, 682. House
Journal, p. 232.
Province
Laws, iv., 432,
chap. 33; 450,
note.

Voted That Mark Hopkins of Great Barrington be, and he is hereby appointed Treasurer of the said County of Berkshire with full Power to do and transact all things that a County Treasurer by Law may do, and that before he enter upon his Office he be sworn before the Court of General Sessions in said County, or two Justices of the Peace Quorum Unus to the faithful discharge of his Office, and to continue in said Office until the Towns in said County proceeded to choose a County Treasurer agreeable to Law. [*Passed February 8.*]

CHAPTER 311.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
240.

THE FOLLOWING ORDERS passed upon Petitions of Sick and wounded Soldiers viz^t

Mass.
Archives,
lxxix., 627, 629;
lxxx., 52, 63.
House Jour-
nal, p. 234.

Ordered That the Sum of One pound ten shillings be paid out of the Public Treasury to M^r Woodbridge Brown for the use of Heph-
sibah Townsend in full. To Cap^t Ebenezer Thayer £5.16 exclusive of the Doctors Bill for the use of Dorothy Lufkin in full. To Moses Marcy Esq^r £1.15 for the use of Andrew Blunt in full. [*Passed February 8.*]

CHAPTER 312.

VOTES IN REGARD TO PAYMENT OF WAGES TO SOLDIERS, MAKING UP MUSTER-ROLLS, AMOUNTS DUE SOLDIERS FOR BILLETING AND CHARGES FOR APPREHENDING DESERTERS.

In the House of Representatives

Voted, That the Captains or Commanding Officers of Companies who were raised by this Province in the year 1761 for the security of his Majesty's Dominions and the Possession of his conquests in North America both at the Eastward and Westward be allowed the Pay of twenty five days after their Return to their respective Homes for making up their muster Rolls; also for their Travel to Boston in order to present the same for Allowance, allowing twenty Miles for a days travel And that they be allowed to stop in a distinct Column what they have Advanced in Cash for their Men, and also for such necessities as they have supplied them with or given their Orders for before the Suttlers arrived at the Camp; also for such things as were absolutely necessary for their Return home, and for what the said Men are indebted for the purchase of any deceased Soldiers Cloaths by them bought: and also in a distinct Column what is due from the men to the Suttlers; the Accounts of such Officers and Suttlers being first laid before a Committee of this Court for their inspection, "and not being contrary to the Orders under which they acted," that in behalf of said men they may make Objections to any charge for supplies which they may judge unreasonable; and that Col^o Phillips, M^r Tyler, M^r Hatch, M^r Cushing, Cap^t Livermore, Cap^t Goldthwait and M^r Paine with such as the honourable Board shall join be a Committee for that purpose, any three of them to be a Quorum. Provided also that there be no greater Stoppage made out of the Wages of minors than one half of the same exclusive of the Cloathing and other Supplies advanced by this Government: And also that fair copies of all such Accounts be lodged with the Treasurer for the inspection of the Soldiers before any payment be made on the muster Rolls to the Suttlers who have any Allowance made them thereon. Provided also that if any Soldier shall be unjustly charged in any of said Accounts either by the Officer or Sutler, such Officer or Sutler shall be liable to the Action of such Soldier, the determination of the Committee of this Court as aforesaid notwithstanding.

Also

Voted that the several captains and Commanding Officers in making up the muster Rolls of their respective Companies shall not only conform to the Establishment for the Wages both of the Officers and Soldiers, but shall also make up those that are dismissed until their Return into this Province with allowance for so many days more as to carry them to their respective homes, accounting fifteen miles for a days travel, and those that are not dismiss'd and remain still in the Service at the Westward until the 17th day of November last; and those that still remain in the Service at the Eastward until the 13th day of December last: and that there be a Column in said Muster Rolls setting forth what is due to each man for billeting home at the rate of eight pence per day accounting fifteen miles for a days travel from their entring into the Province to their respective homes. And that the several Officers in making up their

Legislative
Records of the
Council, xxiv.,
241.

Legislative
Records of the
Council, xxiv.,
14. House
Journal,
pp. 234, 235.

Rolls be, and hereby are directed to deduct out of Soldiers billeting who are returned from the Westward the sum of two shillings and eight pence being the sum advanced by the General.

And Whereas many of said Soldiers were subsisted in their way home by Taverners and Others on the credit of the Government, Therefore

Voted That before such Soldier shall receive any part of what shall be due to him on said Roll for billeting, he shall make Oath before some Justice of the Peace in the Province, or before the Province Treasurer, who is hereby empowered to Administer the same, that he has not taken up so much upon the credit of the Province in his return home as is due to him for billeting; in that case he shall receive the ballance.

And Whereas many Soldiers who deserted have been apprehended and afterwards joined their respective Companies.

Voted That the charges of apprehending said Soldiers and sending them to their respective Companies be deducted out of said Soldiers Wages, and that a Stoppage be made in the muster Rolls accordingly.

In Council Read and Concurred and Samuel Watts John Erving, William Brattle, James Russell and Thomas Flucker Esq^{rs} are joined in the Affair. [*Passed February 9.*]

CHAPTER 313.

VOTE ALLOWING £1. 12 TO JA^S PATTERSON.

Legislative
Records of the
Council, xxiv.,
244. Mass.
Archives,
lxxx., 104.

Mass.
Archives,
lxxx., 104.
House Jour-
nal, p. 236.

A PETITION of James Patterson of Sudbury Setting forth That his Son Jonathan Patterson inlisted as a Soldier in the Pay of the Province in 1758, and was killed in the Service at which time his Gun being his own property, was lost, And Praying an Allowance.

[Read and]

Voted That y^e sum of One pound Twelve shillings be paid out of y^e publick Treasury To John Noine¹ Esq^r in full for use of y^e pettinour. [*Passed February 9.*]

CHAPTER 314.

ORDER ALLOWING 21/ TO JER: SWAIN.

Legislative
Records of the
Council, xxiv.,
244. Mass.
Archives,
lxxx., 89.

House Jour-
nal, pp. 204, 236.

A PETITION of Jeremiah Swain of Reading Setting forth, That in the Year 1758 He had a Servant named Mingo a Soldier in the pay of the Province, who subsisted himself on his return home And Praying an Allowance for his billeting.

Read and

Ordered that the Sum of twenty one Shillings be paid out of the publick Treasury to the Pet^r for billeting his Servant as above mentioned. [*Passed February 9.*²]

¹ The House Journal, p. 236, reads, "John Noyes."

² This date is according to Legislative Records of the Council. The date of final concurrence in the Council is given in Mass. Archives as February 2, evidently a mistake, as the same order states that its reading in the House occurred on February 8.

CHAPTER 315.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY JN^O WHETCOMB, ESQ^R, HIS WAGES IN FULL.

A PETITION of John Whetcomb Esq^r Setting forth That He had the Command of a Regiment in the Pay of the Province in the year 1760, and received large sums out of the Treasury for Levy money: and that having a quantity of money and Treasurers notes sometime in July that year, he locked them up at his Lodgings in Boston, in a house he had used for more than twenty Years when in Town without meeting with any Loss; but so it was that One hundred and twenty one pounds of the said money secured as aforesaid was stolen from him, which he has not been able to recover notwithstanding he hath used the most likely means for that purpose. And Praying Relief.

Read and

Ordered that the prayer of this Petition be So far Granted, That the Treasurer be Directed to pay the Petitioner the wages that are Due to him without any Deduction, And that the Petitioner Use his best Indeavors to finde out the Person or persons that Stole the Notes and money within mentioned, and if it Should be Recovered, the Petitioner then to be accountable to the Treas^r of this Province for the Time being. [*Passed February 9.*]

Legislative
Records of the
Council, xxiv.,
244. Mass.
Archives,
lxxx., 111.

Mass.
Archives,
lxxx., 110.
House Jour-
nal, p. 237.

CHAPTER 316.

ORDER REMITTING TO THE TOWN OF TOPSFIELD £10 FINE FOR NOT SENDING A REPRESENTATIVE IN 1759-60.

A PETITION of the Town of Topsfield by their Agent John Gould Praying that the Fine of Ten pounds laid on them by the House of Representatives the last year for not sending a Representative to the Great and General Court then sitting may be remitted; their not sending being occasioned by the great expence they were at in building a new meeting House and in laying out a public Road in said Town.

Read and

Ordered that this Petⁿ be revived and the prayer thereof be granted and that the Sum of ten pounds be granted out of the publick Treasury to the Pet^r for the use of said Town accordingly. [*Passed February 9.*]

Legislative
Records of the
Council, xxiv.,
246. Mass.
Archives, l.,
153.

Mass.
Archives, l.,
152. House
Journal, p. 238.
Province
Laws, iv., 251,
chap. 2; 339,
note.

CHAPTER 317.

ORDER REMITTING TO THE TOWN OF HARDWICK £12 FINE FOR NOT SENDING A REPRESENTATIVE IN 1760-61.

A PETITION of Timothy Ruggles Esq^r of Hardwicke Praying That a fine of Twelve pounds laid on the said Town the last year for not sending a Representative to Court, occasioned by diverse extraordinary expences the Town was at, in that Year, may be remitted.

Legislative
Records of the
Council, xxiv.
246. Mass.
Archives, l.,
157.

House Journal, p. 237.
Province Laws, iv., 390,
chap. 11; 441,
note.

Read and

Ordered that the prayer of the Petⁿ be granted and the Treasurer is directed to pay the Sum of twelve pounds to the Pet^r for the Use of said Town accordingly. [*Passed February 9.*]

CHAPTER 318.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE POTASH FARM
(SO CALLED) AND ALLOWING £3. 1. 9 FOR EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
248. Mass.
Archives,
xlv., 453.

Mass.
Archives,
xlv., 452.
House Journal,
pp. 107, 239,
240. *Ante*,
p. 46, chap. 105.

PURSUANT to the Resolve of the General Court passed on the 11th day of July last respecting the 1,500 Acres of Province Land called the Potash Farm lying in Prince Town District in the County of Worcester; on the 29th day of last September I repaired to said Town with a Surveyor and Chainmen and have run the Lines, searched up and renewed the Bounds all round said Farm; and I find that in the original laying out of said Farm, it was run in upon a prior Grant made to one M^r Gardiner which will take sixty four Acres of said Farm. I also find that the most valuable part of the Timber on said Farm is cut off, and appears to have been chiefly done within two years last past, and I can't find out any Person who has done it except one Timothy Mossman who was then in possession of said Potash Farm (as he says) by virtue of a Lease from William Richardson Esq^r as Agent for the Government, and was allow'd by him to cut the Timber aforesaid supposing it was on Land formerly called Mayhews Farm, and not on Province Land.

And as to the Lots which have been laid out by the Proprietors of Lancaster in said Province Land, it plainly appears to have been done without the least colour of Right for their so doing: but without doubt have gone upon the supposition that the original Plans and Bounds were lost, and that they might hold the Land by taking possession thereof. All which is humbly submitted

(Signed) EZRA TAYLOR

Read and

Ordered that this report be accepted and that the Sum of three pounds one Shilling and Nine pence¹ be granted out of the publick Treasury to Ezra Taylor Esq^r for his expences mentioned. [*Passed February 11.*]

CHAPTER 319.

ORDER ALLOWING £3 TO JOHN MERRILL.

Legislative
Records of the
Council, xxiv.,
249. Mass.
Archives,
lxxx., 57.

House Journal,
pp. 236, 239.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of Benjamin Chadburne Esq^r in behalf of John Merrill of Berwick Setting forth That the said John Merrill was a Soldier in the Pay of the Province in 1758 That on his return home as he passed thro' Haverhill Col^o Saltonstall stopped his Gun being one of the Kings Arms, and that in making up the muster Roll there was Ten ¹ pounds deducted from his Wages as it did not appear that he had returned his Gun, which being now forth coming, He prays He may have liberty to return it, and that he may receive his full Wages.

¹ The House Journal, p. 236, reads, "three Pounds."

Read and

Ordered that the Pet^r be allowed to return the Gun mentioned into the Commissary Genl's Office. And that the Sum of three pounds (the Gun being so returned) be granted out of the publick Treasury to the Pet^r for the use of the above named John Merrell in full. [*Passed February 11.*]

CHAPTER 320.

VOTE GRANTING TO NAT: OSGOOD LICENCE TO KEEP AN INN.

A PETITION of Nathanael Osgood of Salem Setting forth That He hath obtained the recommendation of the Selectmen of Salem to keep a House of Public Entertainment in the said Town. And Praying that the Court of Sessions next to be holden in the County of Essex may be impowered to grant him a License for that purpose.

Legislative
Records of the
Council, xxiv.,
249. Mass.
Archives, cxi.,
519.

Read &

Voted, That the Prayer of this Petition be so far granted, as that the Justices of the Court of Gen^l Sessions of the Peace for the County of Essex, be allowed at their next Sitting on the last Tuesday of March next, to grant the Petitioner a Licence (if they see cause) to keep a Tavern in Salem, he producing the Approbation of the Selectmen of said Town, the time for granting Licences being elapsed notwithstanding.¹ [*Passed February 11.*]

Mass.
Archives, cxi.,
518.

CHAPTER 321.

VOTE ALLOWING 40/ TO JER: WOOD.

A PETITION of Jeremiah Wood Setting forth That his Son Kimball Wood was a Soldier in the Pay of the Province in 1758. and carried his own Gun, and by being employed in bringing off the wounded men after the Action of Ticonderoga, he lost his Gun And Praying an Allowance,

Legislative
Records of the
Council, xxiv.,
249. Mass.
Archives,
lxxx., 53.

[Read and]

Voted That y^e sum of forty shillings be paid out of y^e publick Treasury to Henrey Gardner Esq^r for y^e vse of y^e petitinour in full. [*Passed February 11.*]

House Jour-
nal, p. 242.

CHAPTER 322.

ORDER ON THE PETITION OF THE SELECTMEN OF WESTBOROUGH IN REGARD TO LAYING OUT A HIGHWAY AND ASSESSING DAMAGES.

A PETITION of the Selectmen of Westborough [*ante*, p. 749, chap. 425]

Legislative
Records of the
Council, xxiv.,
250. Mass.
Archives,
cxxi., 397.

Read and

Ordered that the Prayer of this Petition be so far granted, as that the Viridit of the Jury for assessing the Damages of the way in Said Petition mentioned and the Order of Sessions thereon for Accept-

Mass.
Archives,
cxxi., 395, 398.

¹ Not found in the House Journal.

House Journal, pp. 304, 321, 349 (April, 1761); pp. 36, 85, 241. *Province Laws*, xvi., 743, chap. 425. *Ante*, p. 35, chap. 45.

ing the Same as also the report of the Committee that layed out Said way So far as it relates to Damages be and they hereby are Set a side and declared Void and that the Court of General Sessions of the peace for the County of Worcester be and they hereby are Impowered if they see Cause upon propper application to them made to order a Nother Jury to inquire into and assess Damages as the law Directs, Provided that all Other Records relating to laying out of the said way remain as they Now are. [*Passed February 11.*]

CHAPTER 323.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF SUFFOLK AND ALLOWING 14/8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxiv., 250. *Mass. Archives*, cxix., 408.

Ante, p. 58, chap. 136.

THE COMMITTEE appointed to farm out the Excise on Tea, coffee and China Ware in the County of Suffolk made Report That they had sold the same to William Story Esq^r for £606 and had taken Bond therefor which they had delivered to the Province Treasurer, And Praying Allowance of their Expence 14/8.

Read and Accepted and

Ordered that the Sum of fourteen Shill^s and eight pence be paid to M^r Stone the Tavern keeper for the expences mentioned.¹ [*Passed February 11.*]

CHAPTER 324.

ORDER ADJOURNING THE COURTS OF HAMPSHIRE COUNTY.

Legislative Records of the Council, xxiv., 251.

House Journal, p. 243. *Province Laws*, iv., 565, note. *Ante*, p. 100, chap. 235.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of Hampshire which by Law is appointed to be held at Northampton on the second Tuesday of February current by order of this Court stands adjourned to the last Tuesday of said February. And Whereas several of the Justices of said Court are now attending this Court and probably will be detained upon the business of the Government: Therefore

Ordered, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas which by order of this Court stand adjourned to the last Tuesday of February current be further adjourned to the third Tuesday of March next, and then to be holden at Northampton in said County at ten of the clock in the forenoon of the same day: And all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, recognizances and other matters whatever returnable or having day at said Court shall stand, abide and continue unto the said third Tuesday of March, and shall then have day, be heard and tried and proceeded in by said Courts respectively at said Northampton, and shall be deemed and held as good, effectual and available in Law to all intents and purposes whatsoever as if the said Courts had been held and kept at the time and place by Law provided for holding the same and no adjournment thereof had been made. [*Passed February 11.*]

¹ Not found in the House Journal.

CHAPTER 325.

VOTE APPOINTING A COMMITTEE TO SELL PROVINCE LANDS IN THE COUNTY OF WORCESTER.

In the House of Rep:

Whereas there are Sundry Tracts of Land belonging to the Province Lying in the County of worcester viz^t about fourteen Hundred and thirty acres Lying partly in Princetown comonly called Potash Farm Also about Five hundred & Two acres Lying in said Princetown comonly called great. Watchusett Also about Eighty acres Lying west of S^d Potash Farm

Therefore

Voted that the said Lands be sold and That John murray & Timo Paine Esq^r with such as the Hon^{ble} Board shall joyn be a Comittee In the Name and behalf of this Province to make Sale of said Lands for the most they will fetch. and to pass and Execute a good Deed or Deeds thereof to y^e Purchaser or Purchasers. The Sale of said Lands to be in the Town of Boston at the next sessions of y^e general Court after due Publication made by Inserting the Same in all the Boston News Papers

That the said Farm called Potash Farm be sett up at not Less than five hundred Pounds & the Purchaser to pay Down y^e Sum of £10 as Earnest that Watchusett be Sett up at not Less than fifty Pounds & y^e Purchaser to pay down as Earnest y^e Sum of 5£ That the said Eighty acres be set up at not Less than Ten Pounds & the Purchaser to pay down as Earnest y^e sum of 3£ And who Ever purchases any or all of y^e aforesaid Lands shall have one year to pay the same into the Publick Treasury upon good security without Interest. The Comittee aforesaid to make Report of their Doings to this Court at the next Sessions of y^e general Court after said Sale

In Council Read and Concurred and Samuel Watts Esq is joined in the Affair. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
252. Mass.
Archives,
xlv., 451.

House Journal, pp. 239, 240.
Ante, p. 136,
chap. 318.

CHAPTER 326.

ORDER ALLOWING £10 TO JN^o WORTHINGTON, ESQ^r.

A MEMORIAL of John Worthington of Springfield Esq^r Setting forth That having generally been appointed to Act as Attorney for the King in the absence of the Attorney General. He hath been at great pains in bringing to Justice several persons concerned in counterfeiting the current coin of the Province, which hath been to his Loss as a Practitioner, and as he has been so succesful as to discover two persons concerned in this iniquitous practice, by which means there has been money paid into the Public Treasury, Praying that his Services may be considered.

Read and

Ordered That the Sum of Ten pounds be paid out of the Public Treasury to John Worthington Esq^r as a reward for his Services as Attorney for the King at the several Assizes in the County of Hampshire in the tryal of several Persons concerned together in counterfeiting the current coin of the Province. [*Passed February 12.*]

Legislative
Records of the
Council, xxiv.,
254.

House Journal, pp. 212, 244.
Province
Laws, iv., 558,
note.

CHAPTER 327.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF BARNSTABLE TO EXTEND THE TIME FOR THE SETTLEMENT OF AN ESTATE.

Legislative
Records of the
Council, xxiv.,
255.
House Jour-
nal, p. 244.

A PETITION of Joseph Otis of Barnstable Esq^r Setting forth That He hath a large demand on the Estate of Gershom Cobb late of Barnstable deceased, represented Insolvent: That he gave in his Account to the Administrator which he supposed was delivered to the Commissioners, and expected was allowed, until since the final Settlement made with the Judge of Probate. And Praying that the said Judge may be directed to allow a further time for the Commissioners to receive and examine the Claim of the Petitioner, that so he may be intitled to his equitable proportion of the deceaseds Estate.

Read and

Ordered That the Prayer of the Petition be granted, and that the Judge of Probate of Wills &c^a for the County of Barnstable be and he hereby is authorized and impowered to lengthen out the time for the Creditors of the Estate of Gershom Cobb late of Barnstable deceased to bring in their Claims for the term of three months. [*Passed February 12.*]

CHAPTER 328.

ORDER ALLOWING £3. 12. 8 TO STEPⁿ STOCKWELL.

Legislative
Records of the
Council, xxiv.,
255. Mass.
Archives,
lxxx., 51.

A PETITION of Stephen Stockwell Setting forth That He was a Soldier in the Pay of the Province in Cap^t Howards Company in 1758; but that by some mistake he is made up short in the Roll viz^t from the 25th of July to the 7 of September, And Praying an Allowance.

Mass.
Archives,
lxxx., 50.
House Jour-
nal, pp. 63, 64,
233, 244.

Read and

Ordered that the Sum of three pounds twelve Shillings and eight pence be paid out of the publick Treasury to to ' John Ashley Esq^r for the Use of the Pet^r in full. [*Passed February 12.*]

CHAPTER 329.

VOTE THAT THE APPEARANCE OF ONE OF THE CHAPPAQUIDDICK COMMITTEE SHALL BE AS VALID AS THE APPEARANCE OF ALL.

Legislative
Records of the
Council, xxiv.,
255.

House Jour-
nal, p. 245.
Ante, p. 81,
chap. 198.

WHEREAS this Court in November last appointed William Brattle, James Otis and Thomas Foster Esq^{rs} Agents for the Indians, Proprietors of Lands lying on the Island of Chapaquidic in Edgarton in the County of Dukes County, and impowered them jointly to prosecute in the name of said Proprietors the Trespassers on the Indian Lands at Chapaquidic &c. And Whereas it may so happen that some of said Committee may unavoidably be absent at the Court when the Actions brought as aforesaid are tried. Therefore

¹ Sic.

Voted That the appearance of any one of said Committee shall to all intents and purposes whatsoever be as valid as the appearance of the whole. [*Passed February 12.*]

CHAPTER 330.

VOTE THAT THE SECRETARY OF THE PROVINCE RECORD CHAPPA- QUIDDICK SETTLEMENT.

WHEREAS it appears that the Award of his late Excellency Joseph Dudley, Governor, and the honorable William Tailer late Lieutenant Governor, the honourable Samuel Sewall Penn Townsend and John Cushing Esq^{rs} was approved and accepted by the Great and General Court in December 1715 and was entered in the Book of Laws of the General Court Page 249 at large, for which book, the Secretary hath made diligent search and cannot find, but supposes that the said Book was burnt with the Court House, And Whereas there is an attested copy of the same signed Josiah Willard Secretary, Therefore

Legislative
Records of the
Council, xxiv.,
256.

Ante, p. 81,
chap. 198.

Voted That the Secretary of this Province be, and hereby is directed to record the said determination and award at large in the Book of Laws.¹ [*Passed February 12.*]

CHAPTER 331.

VOTE ALLOWING 40/ TO RALPH HILL.

A PETITION of Ralph Hill of Billerica Setting forth That his Son Ralph Hill was a Soldier in the Pay of the Province in 1758 in Cap^t Whitney's Company of Col^o Bagley's Regiment. That he carried his own Gun into the Service, and dying at Green Bush on his return home, his Gun was lost. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
256. Mass.
Archives,
lxxx., 121.

[Read and]

Voted That y^e Sum of forty shillings be paid out of y^e publick Treasury to Capt. Enoch Kidder for y^e vse of y^e petitinour in full. [*Passed February 13.*]

Mass.
Archives,
lxxx., 121.
House Jour-
nal, p. 245.

CHAPTER 332.

VOTE IMPOWERING HANNAH DEWING, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Dewing, Widow and Administratrix of the Estate of Daniel Dewing her late Husband of Natick deceased Setting forth That a part of the said deceaseds Real Estate hath already been sold by leave of the Superior Court for payment of his debts, by which means the remainder (being only a small house and Barn and about 30 Acres of Land) is become very unprofitable, and there being two High ways laid thro^o it, will require a great deal of Fence, and there are no materials on the place for it. That she

Legislative
Records of the
Council, xxiv.,
257.

Province
Laws, ii., 151,
chap. 10.

¹ Not found in the House Journal.

² *Sic.*

hath 3 Children, the eldest of which is but seven years of Age. And Praying leave to sell the said Real Estate (her thirds therein included) for the benefit of those interested in it.

[Read and]

Voted That the Prayer of the within Petition be so far granted as that the Petitioner be, and hereby is impowered to make sale of the within mentioned Estate for the most the same will fetch, observing the directions of the Law for the Sale of Real Estates by Executors and Administrators she giving sufficient caution to the Judge of Probate for the County of middlesex to account for the money arising by said Sale, and after the payment of the just debts of her late husband Daniel Dewing deceased, that the Income of one third part be applied for the support of the Petitioner and that the remaining two thirds be divided to and among the Children of the deceased, and by their respective Guardians be put out to interest for their use and benefit: and that upon the death of the Petitioner, her thirds be also divided among the heirs that may then be according to Law.¹ [*Passed February 13.*]

CHAPTER 333.

VOTE ALLOWING £3 AND A FURTHER SUM OF £3 ANNUALLY TO W^m CLEMENS.

Legislative
Records of the
Council, xxiv.,
135. Mass.
Archives,
lxxx., 131.

Mass.
Archives,
lxxx., 9.
House Jour-
nal, p. 137.
Executive
Records of the
Council, xv.,
101.

A PETITION of William Clemens Setting forth That He hath served three several campaigns since the commencement of the War in the Pay of the Province, and hath endured such hardships in the Service as brought on him terrible fits which have followed him between two and three Years and still continue, whereby he is rendered unable to labour nor hath he any other means of subsistence, And Praying an allowance.

In the house of Representatives

Wheras this house the 20th of Nov^r last upon the petition of w^m Clemens did in consideration of his Sufferings in the Publick Service of this Province & the ill state of health He is in in consequence of the same order that the s^d William Clemens be allowed out of the Publick Treasury the sum of three pounds; & the same sum annually to commence from s^d 20th of Nov^r till the further order of this Court, which vote on the 23^d of s^d Nov^r was concurred by the Hon^{ble} board but whether consented to by His Excellency the Governour is uncertain the Petition of the s^d w^m being mislaid & not to be found therefore

Voted that s^d order be & hereby is revived & the s^d W^m be allowed three pounds; now to be paid him out of the Publick Treasury & the same sum annually to commence from s^d 20th day of November & to continue till the further order of this Court

In Council Read and Concurred.¹ [*Passed February 16.*²]

¹ Not found in the House Journal.

² This chapter is also entered in Mass. Archives, lxxx., 9, under date of November 23, 1761. The warrant for the payment is not authorized until February 16, 1762. See Executive Records of the Council, xv., 101.

CHAPTER 334.

ORDER REDUCING THE PROVINCE TAX OF THE TOWN OF BROOKLINE.

A PETITION of the Selectmen of the Town of Brooklyn Setting forth That by a mistake in the late valuation the said Town of Brooklyn is overrated to the Province Tax. And Praying Relief.

Read and In answer

Ordered^a that the assessors of the Said Town of Brookline Instead of assesing the Sum of Three Hundred and Sixty one Pound five Shillings Set upon them the Present Year That they assess only the Sum of Two Hundred and fifty Three Pounds fifteen Shillings' the Assessors of Said Town having made a Mistake in returning the Sum total of their Rents in the Column of Rents recieved, and their Rents recieved in the Column for the Sum total of Rents. [*Passed February 16.*]

Legislative
Records of the
Council, xxiv.,
259. Mass.
Archives,
cxviii., 643.

Mass.
Archives,
cxviii., 641.
House Jour-
nal, pp. 128, 236,
250, 251. Prov-
ince Laws, iv.,
474, chap. 17;
545, note.

CHAPTER 335.

ORDER IMPOWERING HANNAH PEACOCK, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Peacock of Tewksbury Administratrix of the Estate of her late Husband Thomas Peacock deceased Setting forth That her said Husband died seized of about fifty Acres of Land in Tewksbury with old Buildings thereon which are much out of Repair apprizd at One hundred pounds. That there is a necessity of selling sixty pounds worth of said Estate for payment of the deceaseds debts which being sold will much injure the remainder, that the deceased left only two daughters one of six and the other of four Years of Age, and that it would on all accounts be for their interest to have the whole Estate sold, the overplus after the debts are paid to be improved at interest. And Praying leave to sell the same accordingly.

Read and

Ordered That the Prayer of this Petition be so far granted as that the Petitioner in her capacity of Administratrix be and she is hereby impowered to make Sale of the Lands within mentioned for the most the same will fetch, and to make and execute a good deed or deeds thereof in the Law She observing the directions of the Law respecting Administrators selling Lands, and giving sufficient caution to the Judge of Probate for the County of middlesex that the produce arising from the Sale of the premisses after the debts within mentioned are paid shall be secured for the benefit of the right heirs of the deceased. [*Passed February 16.*]

Legislative
Records of the
Council, xxiv.,
260.

House Jour-
nal, p. 244.
Province
Laws, ii., 151,
chap. 10.

¹ The House Journal record, p. 251, closes with these words.

CHAPTER 336.

RESOLVE PROVIDING THAT IN MAKING UP MUSTER ROLLS THE COST OF A BLANKET IS NOT TO BE STOPPED OUT OF SOLDIERS PAY.

Legislative
Records of the
Council, xxiv.,
260.

House Jour-
nal, p. 250.
Province
Laws, xvi., 460,
chap. 245.

UPON A MOTION made that a difficulty arises in making up the muster Rolls for the last Expedition, whether the Blankets received by the several Soldiers be charged to them with their Cloathing and deducted out of their Pay?

Resolved that their Blankets are not to be included with their Cloathing and are not to be stop't out of their Pay, and that the Committee in making up their Rolls are directed to proceed accordingly. [*Passed February 16.*]

CHAPTER 337.

ORDER IN REGARD TO BROOKLYN AND SUNDERLAND PROVINCE TAXES.

Legislative
Records of the
Council, xxiv.,
261.

House Jour-
nal, p. 251.
Province
Laws, iv., 474,
476, chap. 17;
545, note.
Ante, p. 143,
chap. 334.

WHEREAS it is found that by mistake the Towns of Brooklyn and Sunderland in the last valuation had more than their just proportions set upon them. Therefore

Ordered That the said Towns Province Tax to a thousand pounds 'till the further order of this Court be as follows viz^t Brooklyn Three pounds seven shillings and eight pence one farthing Sunderland One pound thirteen shillings and two pence. [*Passed February 16.*]

CHAPTER 338.

ORDER ALLOWING £8 TO JACOB BIGLOW.

Legislative
Records of the
Council, xxiv.,
322. Mass.
Archives,
lxxx., 83.

House Jour-
nal, p. 247.

A PETITION of Jacob Biglow of Waltham Setting forth That his negro man Caesar being in the public Service was taken Prisoner at Fort William Henry in 1757, and remained in captivity till 1760 and did not return home 'till October in that Year, And Praying an Allowance

Read and

Ordered that the sum of eight pounds be paid out of the publick Treasury to the Petitioner in full consideration for the sufferings of his Servant above mentioned.¹ [*Passed February 16.*]

CHAPTER 339.

ORDER ALLOWING £12. 6. 6 TO JAMES CHURCHILL.

Legislative
Records of the
Council, xxiv.,
261. Mass.
Archives,
lxxx., 128.

A PETITION of James Churchill of Barnstable Setting forth That He served as an Ensign in the Pay of the Province in 1758. in Cap^t Bourn's Company of Col^o Doty's Regiment; that being taken sick, he obtained a furlough on the 19: of August to return home

¹ This chapter is entered in Legislative Records of the Council, xxiv., p. 322, under date of March 6, 1762.

for the recovery of his health, where he continued Sick about three months at a great expence. That He is made up in the Roll until the time of his obtaining the furlough as aforesaid, And Praying he may be allowed his Wages to the 1st of November, the time of the Troops being disbanded.

Read and

Ordered that the sum of twelve pounds Six shillings and six pence be paid out of the publick Treasury to the Pet^r in full for his Wages mentioned. [*Passed February 17.*]

Mass.
Archives,
lxxx., 126.
House Jour-
nal, pp. 234, 256.

CHAPTER 340.

VOTE ALLOWING £5. 4. 10 TO JA^s CORBYN.

A PETITION of James Corbyn of Dudley Setting forth That his Father enlisted in the year 1759, and proceeded to Springfield in the year 1759, and proceeded to Springfield in the Pay of the Province and was there taken sick and dyed, but that he is not made up in any muster Roll. And Praying an Allowance.

[Read and]

Voted that the Prayer of this Petition be so far granted as that there be allowed and paid out of the Publick Treasury to Moses Marcy Esq^r the sum of Five Pounds four shillings and Ten pence in full. for the use of the Petitioner and other Heirs of the Deceased. [*Passed February 17.*]

Legislative
Records of the
Council, xxiv.,
262. Mass.
Archives,
lxxx., 97.

House Jour-
nal, p. 251.

CHAPTER 341.

ORDER ALLOWING £75 TO A: BELCHER, ESQ^r.

A PETITION of Andrew Belcher Esq^r Setting forth That in or about the year 1736 the General Court made a Grant to his Father Governor Belcher of 1,000, Acres of land near Fort Dummer, That they likewise granted him another Tract of land of 215, Acres at Souhegan East N^o 5 now called Bedford, which by the late Settlement of the line fell within new Hampshire, by reason whereof neither his Father nor any under him could ever avail themselves of the said Grants. And further that his said Father has been at the expence of £106.13.4 to maintain his title to two other Tracts of land granted him by the General Court lying in Abington and Rehoboth And further setting forth that his said Father at a Treaty held with the Indians at Casco Bay lent the Government four Quarter Deck Guns with their Carriages which were never returned but are (as the Petitioner is informed) at this time in some of the Eastern Forts, And Praying an Allowance for the several Articles aforementioned. Also Praying once more that this Court would take into their consideration the scanty Salary his said Father received during his Administration compared with the Salaries which have been since made to his Successors, and make him a Grant on that account

Read and

Ordered that the Prayer of the Petⁿ be so far granted as that the

Legislative
Records of the
Council, xxiv.,
263. Mass.
Archives, xix.,
725.

Mass.
Archives, xix.,
722. House
Journal,
pp. 216, 256.
Province
Laws, xi., 772,
chap. 160; xii.,
112, chap. 246;
153, chap. 61;
214, chap. 202.

Sum of Seventy five pounds be paid out of the publick Treasury to the Pet^r in full consideration for the Guns and Carraiges within mentioned. [*Passed February 17.*]

CHAPTER 342.

ORDER ALLOWING £8 EACH TO MARY LOWDEN AND MARY CAVENDISH.

Legislative
Records of the
Council, xxiv.,
263. Mass.
Archives,
lxvi., 143.

Mass.
Archives,
lxvi., 143.
House Jour-
nal, p. 249.

A PETITION of Mary¹ Lowden and Mary Cavendish both of Marblehead Setting forth That their Husbands Edward Lowden and Francis Cavendish were Seamen aboard the Province Snow when she was taken by the Enemy, and being carried to France died there in captivity, And Praying an Allowance,

Read and

Ordered that the Sum of eight pounds be paid out of the publick Treasury to each one of the Pet^{rs} in full. [*Passed February 17.*]

CHAPTER 343.

ORDER ALLOWING £8 TO JN^O PEQUET.

Legislative
Records of the
Council, xxiv.,
263. Mass.
Archives,
xxxiii., 194.

Mass.
Archives,
xxxiii., 194.
House Jour-
nal, p. 249.

A PETITION of John Pequet Setting forth That being a Soldier in the Pay of the Province He was taken Prisoner at Fort William Henry and continued in captivity till 1761, suffering great hardships, And Praying an Allowance.

Read and

Ordered that the Sum: of eight pounds be paid out of the publick Treasury to M^r Walter spooner for the Use of the Pet^r in full. [*Passed February 17.*]

CHAPTER 344.

ORDER ALLOWING £8 EACH TO SARAH FETTYPLACE & ANNA MESERVE.

Legislative
Records of the
Council, xxiv.,
264. Mass.
Archives,
lxvi., 142.

Mass.
Archives,
lxvi., 141.
House Jour-
nal, p. 249.

A PETITION of Sarah Tettyplace and Anna Meserve² Setting forth That their Husbands John Tettyplace and Francis Messerve were on board the Province Snow Prince of Wales when she was taken by the Enemy, and being carried to France there dyed in Captivity And Praying an allowance.

Read and

Ordered that the Sum of Eight pounds be paid out of the publick Treasury to each one of the Pet^{rs} in full. [*Passed February 17.*]

¹ The House Journal, p. 249, reads, "*Mercy.*"

² The House Journal, p. 249, reads, "*Tillplace*" and "*Messervey*;" Mass. Archives, lxvi., 141, reads, "*Fettyplace.*"

CHAPTER 345.

ORDER APPOINTING A COMMITTEE TO RUN THE LINES OF THE TOWNS OF BIDDEFORD, SCARBOROUGH AND FALMOUTH, ALSO OF THE TOWNSHIPS OF NARRAGANSETT NO 7, NARRAGANSETT NO 1 AND PEARSON-TOWN.

In the House of Representatives

Ordered That John Bradbury and James Gowen Esq^{rs} with such as the honourable Board shall join be a Committee to run out the Lines of the Towns of Biddeford, Scarborough and Falmouth, and to fix the bounds at the head of each of said Towns: also to fix the Bounds of the Townships of narraganset Number Seven, Narraganset Number one and Pearson Town; and that the said Committee do give forty days notice at least to the several Towns abovementioned before they enter upon that Service, by sending a copy of the Order of this Court to the respective Clerks of said Towns and Proprietors of the time and place of their meeting; and the Surveyor and Chain men who are employed in that service to be under Oath to the faithful discharge of their Trust, and the charges to be paid by the several Towns and Proprietors as abovementioned in equal Proportions, or as this Court shall hereafter order; and the Committee to make report of their doings to this Court as soon as may be,

Legislative
Records of the
Council, xxiv.,
265.

House Jour-
nal, pp. 254, 255.

In Council Read and Concurred and Richard Cutt Esq^r is joined in the Affair. [*Passed February 17.*]

CHAPTER 346.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING ORDERS pass'd upon Pet^{ns} of Sick and wounded Soldiers Viz

To John Murray Esq^r the Sum of £4.8.0 to be paid out of the publick Treasury for the Use of Jasper Partridge in full.

Legislative
Records of the
Council, xxiv.,
266. Mass.
Archives,
lxxx., 136.

To Artemas Ward Esq^r £4.0.6 for the Use of Paul Eager in full.
To Timothy Paine Esq^r £3.0.0 including the Gun)¹ for the Use of Eleasar Wheeler in full.

House Jour-
nal, pp. 249, 251.

To M^r Nath^l Nelson £2.2.0 to the Use of Nath^l Rawson in full.

To Thomas Greenwood Esq^r £2.16.0 (exclusive of the Doctor's Bill) for the Use of Ephraim Bacon in full.

To Jedidiah Foster Esq^r £2.18.0 for the Use of Eben^r Warner in full.

To Jedidiah Foster Esq^r £1.15.0 (exclusive of Wages and billeting) for the Use of Samuel Steel in full.

To James Gowen Esq^r £2.0.0 for the Use of Moses Wittum in full

To John Brown Esq^r £1.12.0 for the Use of Daniel Clark in full.

To John Brown Esq^r £3.8.0 for the Use of Daniel Hager in full.

To Thomas Clap Esq^r £2.4.0 (exclusive of the Doctors Bill) for the Use of Job Otis in full.

To Thomas Clap Esq^r £2.4.0 exclusive of the Doctor's Bill for the Use of Lemuel Otis in full. [*Passed February 17.*]

¹ *Sic*, as to parenthesis.

CHAPTER 347.

VOTE APPOINTING A COMMITTEE TO SELL TOWNSHIPS IN THE WESTERN PART OF THE PROVINCE.

Legislative
Records of the
Council, xxiv.,
266. Mass.
Archives,
cxvii., 798.

House Jour-
nal, pp. 252, 253,
254. Province
Laws, xii., 553,
chap. 186.

In the House of Representatives

Voted, That the Township called East-Hoosuck some time since laid out by Order of the General Court, of the Contents of six miles Square, exclusive of Grants already laid out; and also two more Townships to contain the Quantity of six Miles Square each, lying between Ashuelot Equivalent so called, and the new Township called New-Hingham; one to begin at the Northeast Corner of said Ashuelot Equivalent, and from thence on the Easterly Line of said Equivalent Southerly six miles, and from thence to extend East twenty Degrees South so far as to contain six Miles Square, exclusive of Grants already laid out: And the other to bound Westerly on the Easterly Line of the last proposed Township, to square off six Miles from said given Line: Also a Township lying East of New-Framingham, to begin at the north east Corner of said New-Framingham, thence Southerly in the Line of said Township until it meet with the Line of the Ashuelot Equivalent so called, thence in the Line of said Equivalent to the Northeast Corner thereof, thence East twenty Degrees South so far as to make the Contents of six Miles Square: Also one other Township to join West on the East Line of the said last mentioned Township, and to extend East twenty Degrees South to square off at right Angles, to make the Contents of six Miles Square Also one other Township, to begin at New-Framingham North east Corner, thence Northerly to East-Hoosuck South Line nine Hundred and fifty Rods West of said East Hoosuck Southeast Corner, thence Easterly to the South east Corner of said East-Hoosuck, thence Northerly on the East Line of said East Hoosuck three Miles, one Hundred and seventy Rods, thence to extend East twenty Degrees South, so far as to make the Contents of six miles Square: Also another Township to adjoin West on the East Line of the last mentioned Township, from thence to square off at right Angles, so as to make the Contents of six Miles square.

Also another Township to begin at the South east Corner of Pittsfield, thence to run South so far as the North Line of Stockbridge, from thence on a strait Line to Stockbridge Northeast Corner, thence to extend Westerly on Stockbridge Line, so far as to make the Contents of six Miles Square, exclusive of the Grants already laid out.

Also a Township lying West of Southampton contains about twenty four Thousand and seven Hundred Acres exclusive of Grants, bounds North on New-Hingham, and to run from the South west Corner of said New-Hingham to the Northeast Corner of Number Four, thence on the Line of said Number Four to the Southeast Corner of said Number Four, and from thence the same Course to Blanford Line, then to bound South on Blanford and Westfield, and East on Southampton, said Townships to be sold to the highest Bidders at a publick Vendue in Boston by a Committee of this Court, on the second Wednesday of the next May Session; and that publick notice of such intended Sale be inserted in the mean Time in all the Boston News Papers; and that said Townships be set up at eight Hundred Pounds lawful money each.

And those Persons who shall or may purchase the same, complying with and performing the following Conditions, the same to be granted and confirmed to them, Viz^t That there be reserved for the first settled Minister one sixty third Part of each of said Townships; and one sixty third Part of each of said Townships for the Use of the Ministry; and the like Quantity for the use of, and Support of a School in each of said Townships for ever.

That with in the Space of five Years from the Time of Sale, there be sixty Settlers residing in each Township, who shall each have a Dwelling House of the following Dimensions, viz^t twenty four Feet long, eighteen Feet wide, and seven Feet Studd, and have seven acres of Land well Cleared and Fenced, and brought to English Grass or Plowed; and also settle a Learned, Protestant Minister of the Gospel in each of said Townships within the Term aforesaid.

Also another Tract of Land, bound north on the Province Line, East on Land belonging to Messieurs Green, Walker and Bulfinch, South Partly on Cheerlymount, to extend West to make the Content of ten Thousand acres, to be sold also at the Time aforesaid to the highest Bidder, and set up at three Hundred Pounds; and the Persons who shall purchase the same complying with the following Conditions; Viz^t That within the Space of five years there be residing on said Land twenty five Inhabitants, each to have a Dwelling-House of the Dimensions above mentioned, and each seven acres of Land well Cleared and Fenced.

And that upon the Conditions aforesaid being truly fulfilled by such Purchaser or Purchasers, the said Lands be granted and confirmed to him or them, or their assigns, and not otherwise.

Voted, That Colonel Partridge and M^r Tyler, with such as the honorable Board shall join, be a Committee to make Sale of the Townships and Tract of Land above mentioned; and that the Purchaser or Purchasers of each of said Townships shall pay twenty Pounds Earnest Money; and the Purchaser of said ten Thousand Acres shall pay ten Pounds Earnest Money: and the remaining Sums the said Lands shall be struck off as the Purchasers shall give Bond to pay the same to the Province Treasurer with sufficient Sureties within one Year from the Time of Sale without Interest.

In Council Read and Concurred and Thomas Flucker Esq^r is joined in the Affair. [*Passed February 17.*]

CHAPTER 348.

RESOLVE IN REGARD TO VALIDITY OF PROCESSES AND WRITS.

WHEREAS upon the Resignation of Several of the first Justices of the Inferior Courts of common Pleas in divers Countys in the Province others have been comisioned in their Stead and qualified themselves accordingly. Since which divers Processes & Writts have Issued out of the Clerks offices of said Courts bearing the Teste of such Justices that have so resigned For removing all Exceptions against the Validity of such Processes and Writts bearing Such Teste.

Resolved. That all Writts & Processes whatsoever That. have. Issued or shall Issue untill y^e 25^t of march next out of any of

Legislative
Records of the
Council, xxiv.,
268. Mass.
Archives,
xlv., 493.

House Jour-
nal, p. 255.
Province
Laws, I., 486,
note.

y^e Clerks Offices of any Such Courts where such new Appointment hath been made bearing y^e Teste of y^e late first Justices so far as relates to such Teste Shall be deemed and they hereby are declared to be to all Intents & Purposes whatsoever as valid & effectuell in Law as if said writts and Processes bore the Teste of the present first Justices of said Courts. [*Passed February 17.*]

CHAPTER 349.

ORDER IMPOWERING JOHN JOYCE AND THOMAS HOLMES TO COLLECT TAXES IN MARSHFIELD.

Legislative
Records of the
Council, xxiv.,
263.

House Jour-
nal, pp. 150, 151.

WHEREAS the First Precinct in the Town of Marshfield on the 9th day of August 1759, made choice of John Joyce to collect the Precinct Tax in Littleton District for that year: and on the 24th day of August 1761 chose Thomas Holmes to collect the Tax in said District for the last year, who accepted of and were sworn to execute their separate Trust: But a difficulty arising from their not being chosen in the months of march as the Law directs, for which the said Precinct have applied to the Court for Relief.

Ordered that the said John Joyce and Thomas Holmes be and are hereby fully authorized and empowered to collect from the several persons in their respective Lists named to them committed by the Precinct Assessors in as ample manner to all intents and purposes as they could have done, if chose in the month of march. [*Passed February 17.*]

CHAPTER 350.

ORDER IMPOWERING JOSEPH LEE, ADM^r, TO SELL A REVERSION OF A DOWER, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
228.

House Jour-
nal, pp. 260, 261.
Province
Laws, ii., 151.
chap. 10.

A PETITION of Joseph Lee Administrator of the Estate of Joseph Barns late of Concord deceased Setting forth That the deceaseds debts making it necessary to sell his Real Estate he hath already sold by Virtue of the General Courts License therefor two third parts of the said Real Estate, which proves insufficient for the purpose. And Praying leave to make Sale of the reversion of the Widows Dower in order to finish the Settlement of the Estate.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner in his said capacity be, and he is hereby empowered to make Sale of the reversion of the Dower in said Petition mentioned to as good advantage of the Creditors of the therein named deceased as may be, and to execute a good and sufficient deed or deeds of the same; He observing the directions of the Law relative to the Sale of Lands by Executors and Administrators and giving due caution to the Judge of Probate for the County of middlesex that the proceeds of such Sale shall be applied to the use of the Creditors, or otherwise agreeable to Law. [*Passed February 18.*¹]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 4.

CHAPTER 351.

RESOLVE IMPOWERING BENJAMIN HALLOWELL, JR., TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Benj^a Hallowell jun^r Esqr Setting forth that he was summonsd by Abiel Page to answer as a Trustee of one William Graham: that he the Petitioner appeared in Court, was examined and declared he had no Effects nor Credits of said Graham, and as he thought, was discharged; but afterwards a default was enterd, and on the first Tuesday of October last said Abiel recovered against said Graham as in the hands of said Benjamin £7.—3¼ damage and £2.8.8. Costs. And praying said default may be taken off, and he admitted to his Oath.

Legislative
Records of the
Council, xxiii.,
666; xxiv., 262.
House Jour-
nal, pp. 259, 260.

Read and

Ordered That this Petition be revived: And it appearing that the Adverse Party William Wingfield is consenting to a review of the Action mentioned in the said Petition,

Resolved That the Petitioner be impowered to bring a Writ of Review of the said Action at the next Inferior Court of Common Pleas to be held at Boston for the County of Suffolk; and that he be then admitted to his Oath with respect to the Effects and Credits of William Graham mentioned in the said Petition; and the said Court is hereby authorized and impowered to hear and try the said Action and enter up Judgment and award Execution accordingly as tho' no default had heretofore been made by the Petitioner. [*Passed February 18.*¹

CHAPTER 352.

ORDER ERECTING A NEW PRECINCT IN THE TOWN OF LEOMINSTER.

A PETITION of Jonathan White Agent for the Adherents of the Rev^d M^r John Rogers Pastor of the Church in Leominster, Setting forth, That an unhappy controversy hath for several Years subsisted in the said Town and a number of the Inhabitants have with drawn from the ministry of their said Pastor and refused to pay towards his Salary, whereby he was necessitated to bring his action against them, and finally a Rule of Court was entered into, previous to which the Petitioners constituents were earnestly requested in Writing by the other Inhabitants to consent to a division of the Town into two Precincts and that they have since agreeable to the Rule of Court requested the Towns concurrence in said division to which they have by Vote agreed, And Praying that they and other the Adherents of the said M^r Rogers may be incorporated into a separte Precinct agreeable to the said Rule of Court.

Legislative
Records of the
Council, xxiv.,
206. Mass.
Archives, xiv.,
285.

Legislative
Records of the
Council, xxiv.,
271. House
Journal, p. 219.

[Read and]

Ordered, That Thomas Wilder, Nathaniel Colburn, James Symonds, Joseph Polley, Joseph Wheelock, Nathaniel Carter, Simon Butler, Nathaniel Rogers, David Farnsworth, Thomas Legatt, Thomas Wilder Jun^r, William Warner, John Colburn, Nathaniel Carter, Jun^r Susanna Peabody, Jonathan White, Abner Wheelock, Jona-

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 17.

than Wolburn, Timothy Kendall, Jonas Kendall, Magaban Lagett, Jonathan White Jun^r Lemuel Davenport, Nathaniel Peabody, Abel Wheelock, Samuel Hardcastle, and the Farm of Stephen Symonds of Boxford lying in Leominster, David White, Joseph Butler, James Symonds, James White, Elijah Wheelock, Abel Wilder, Francis Covey, Nathan Colburn and Robert Legatt be, and together with their Estates lying in Leominster in the County of Worcester hereby are erected into a distinct and separte Precinct, and vested with all the Powers, Priviledges and Immunities which other Precincts by Law do enjoy. And that the Rule of Court, and every matter and Thing therein contained, which was entred into at the last Superiour Court of Judicature, Court of Assize and General Goal Delivery holden at Worcester in September last by the Inhabitants of Leominster Plaintiffs and John Rogers Defendant, be and hereby is ratified and confirmed to all Intents and Purposes whatever. And that the Honorable John Chandler Esq^r be and hereby is empowered to issue his Warrant to some principal Person in said Parish to warn a Parish Meeting in the month of March next, in said Town of Leominster, then and there to meet and chuse Parish Officers, as by Law other Parishes in this Province are enjoined to chuse. [*Passed February 18.*]

CHAPTER 353.

VOTE IMPOWERING RICHARD SIRCUM AND BENJAMIN EDES, GUARDIANS, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
271.

House Jour-
nal, p. 258.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Richard Sircum and Benjamin Edes, Guardians of the Children of James Clark late of Boston, Blacksmith deceased Intestate Setting forth That the said James dyed seized of a certain Dwelling-House and Land in Wing's Lane which is very much out of repair, the Chimneys whereof have been condemned as unsafe to have a Fire enkindled in them: and that they have not wherewithal to repair the said House, And Praying liberty to make sale thereof.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioners in their said capacity of Guardians be and hereby are fully authorised and impowered to make sale of the House and Land therein mentioned for the most the same will fetch, they observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the monies arising by the sale thereof be put out to interest on good security for the benefit of the Children of the said James Clark deceased, and pay the same to them as they shall come of Age, their respective proportions, or their legal Representatives. [*Passed February 18.*]

CHAPTER 354.

RESOLVE CONFIRMING AN AGREEMENT BETWEEN THE 2ND AND 3RD PRECINCTS IN STOUGHTON.

A PETITION of Joseph Hewins in behalf of the Second and Third Precincts in the Town of Stoughton, Praying that the Report of a Committee of the said Precincts settling the Line between them and accepted by each Precinct may be confirmed; which report and Settlement is as follows viz^t

Legislative
Records of the
Council, xxiv.,
272.
House Journal,
p. 259.

We the Subscribers being chosen a Committee by the second Precinct in the Town of Stoughton at their meeting legally assembled and held in said Precinct upon the 13th day of October 1760 to meet a Committee of the third Precinct in said Town in order to consult mutually whether any part or parcell of the Lands or Inhabitants now belonging to the said second Precinct should be annexed to the third Precinct in said Town for the future, or whether the former established Bounds between the respective Precincts should still remain &c^a have accordingly attended the said Service and have met with the committee chosen in the third Precinct for the same purpose, and with them viewed the situation of each of the said Precincts and the Committees have mutually agreed and consented to report the following Line to be the established bounds between the said Second Precinct and the said third Precinct for the future forever hereafter viz^t beginning at the North-westerly corner of the said third Precinct at the Road called Taunton Road, and so proceeding Southerly as the said Road is now laid out and confirmed (partly by the said Town of Stoughton and partly by his majesty's Court of Sessions for the County of Suffolk) until it comes to the Line of the Town of Easton, We are of opinion shall be the general Bounds between the said Precincts with these exceptions namely That the Dwellings and Home Lotts belonging to Jonathan Jordan, Joseph Smith and Samuel Brackett shall remain to the third Precinct as heretofore, notwithstanding the aforesaid general Bounds. And Whereas the Road abovementioned crosses some Lotts, leaving the Dwelling Houses on one side, and part of the Lotts on the other The said Committees are of opinion that the side whereon the Houses are have the whole Lotts rateable to that Precinct and to be esteemed as a part thereof. And those that shall hereafter build Houses on any of the Lotts that cross the aforesaid Road, they that build on the Westerly side thereof with their Lotts shall be rateable to the second Precinct. And they that build on the Easterly side thereof with their Lotts shall be rateable to the said Third Precinct, excluding all separte Lotts belonging to the Owners of the Lotts crossing the aforesaid Road, which the Committees are of opinion shall belong to the Precincts in which they are. All which is humbly submitted

DANIEL RICHARDS	} Com ^{tee} of the
CLIFFORD BELCHER	
HEZEKIAH GAY	} Com ^{tee} of the
ROB ^t SWAN	

In answer to the Petition of Joseph Hewins in behalf of the second and third Precincts of Stoughton,

Resolved That the Report of this Agreement of the said Precincts be, and it is hereby ratified and confirmed to all intents and purposes whatsoever. [*Passed February 18.*]

CHAPTER 355.

ORDER DIRECTING THE COMMISSARY GENERAL TO DISCOUNT £100. 14. 1
WITH JONATHAN BEAN, ESQ^r.

Legislative
Records of the
Council, xxiv.,
274. Mass.
Archives,
lxxix., 699.

Mass.
Archives,
lxxix., 698.
House Jour-
nal, pp. 80, 90,
138, 259.

A PETITION of Jonathan Bean¹ Esq^r of York Setting forth That during the last War he had the command of a company of Soldiers in the Westerly part of the County of York: and that he had orders from time to time to supply with Necessaries such Soldiers as were ordered to march further East. That he took up no more Provisions for his own Company than their just Allowance, and that all the rest of the Provisions for which he gave receipts to the several Commissaries were delivered to the marching Soldiers, for which he stands charged with the Commissary General. And Praying that the said Commissary may be directed to discompt with him for so much of the said Provisions as may appear to be delivered as aforesaid.

Read and in Answer

Ordered that the Commissary Gen^l be directed to discount with the Petitioner the sum of one hundred pounds fourteen shillings and one penny the Sum He now stands charg'd with in his account with the Province. [*Passed February 18.*]

CHAPTER 356.

VOTE DIVIDING SOUTH HADLEY INTO TWO SEPARATE PRECINCTS.

Legislative
Records of the
Council, xxiv.,
205, 274.

Legislative
Records of the
Council, xxiv.,
257. House
Journal,
pp. 197, 241, 246,
257, 261, 264.
Province
Laws, iv., 1033,
note. *Ante*,
p. 28, chap. 59.

A PETITION of William Eastman and Eleazer Nash in behalf of a number of the Inhabitants of South Hadley representing their great difficulties and divisions about the place for their meeting House, And Praying for the Interposition of this Court.

[Read and]

Voted That the Eastward part of the District of South Hadley viz^t beginning at Springfield Line where Stony Brook enters South Hadley and runs with said Brook 'till it comes within fifty Rods of the middle of the Bridge over said Brook in the Road leading from the Old meeting house to Joseph Kellogs and from thence North six degrees and a half West to the north Line of said District be, and hereby is erected into a distinct and separte Parish; and that the Inhabitants thereof are hereby invested with all the Powers and Priviledges that other Parishes in this Province enjoy; and that the remaining part of said District be and continue the first Parish in said District. Provided nevertheless that any of the Inhabitants of said District that live on the East side of the aforesaid dividing Line who shall chuse to remain and be accounted as members of the said first Parish and shall by writing under their hands lodged in the Secretary's Office within three months next following certify the same, every such Person so certifying shall be, remain and be esteemed and accounted one of the Parishioners of the said first Parish, and shall be obliged to do duties and shall enjoy Priviledges there as such, and shall, he and his Estate, be exempted from any duty or charge whatsoever in the said second Parish as effect-

¹ The House Journal, pp. 80, 90, 138 and 259, reads, "*Bane*."

ually as he would be, if he dwelt and his Lands and Estate lay in the same first Parish. And that whatsoever Inhabitants of the said District living within the aforesaid Limits of the said first Parish and to the Westward of said dividing Line shall choose to be one of the said second Parish and shall certify the same within the term and in the manner aforesaid, such Inhabitants shall be esteemed and accounted as a member of the said second Parish and shall be intitled to Priviledges and shall do duties with the other Members of the said second Parish, and he and his Estate shall be wholly free and exempt from any duty or charge whatsoever in the said first Parish as effectually as he would be, if he dwelt and his Lands lay in the said second Parish. Provided also and it is hereby

Voted and

Ordered That the Inhabitants of the said first Parish as they shall be at the end of the said three months shall refund and pay back to the said Inhabitants of the said second Parish their proportion they have been assessed to the several sums that have been expended or raised in said District for the erecting and building a meeting house there, and in the controversy and dispute about the same, excepting and deducting therefrom so much as the Frame of a meeting house there has been damaged by the felling and cutting down part thereof by some of the Inhabitants of said East and second Parish: which damage done to said frame shall be determined by a Committee appointed by this Court for that purpose and be paid by the Inhabitants of the said second Parish; and that all Actions that are or may be prosecuted in the Law for damages on that account be and hereby are effectually barred to all intents and purposes whatsoever.

Provided also that the said Inhabitants of said second Parish shall be allowed aproportionable share of the materials of the Old meeting house or a reasonable Allowance therefor from the first Parish to be determined by the Committee aforesaid.

Provided nevertheless that if at any time before the end of march next two thirds at least of the qualified Voters in said District shall at a meeting legally warned agree upon a place where to erect and fix a meeting house for the accomodation of the whole District, and shall cause such Agreement to be duly certified to the Great and General Court at their Session in may next: then and in such case the foregoing order for dividing said District shall be void and of no Effect. [*Passed February 20.*]

CHAPTER 357.

ORDER DIRECTING THE SECRETARY OF THE PROVINCE TO FURNISH PLANS OF PLANTATIONS. AT THE EASTWARD.

Ordered That the Secretary be directed to furnish the Committee appointed the 16th current to run the Lines of some Plantations at the Eastward with Plans and Papers at the charge of the Proprietors.¹ [*Passed February 20.*]

Legislative
Records of the
Council, xxiv.,
277.

Ante, p. 147,
chap. 345.

¹ Not found in the House Journal.

CHAPTER 358.

ORDER ALLOWING £10.2 TO AARON BEARD.

Legislative
Records of the
Council, xxiv.,
277. Mass.
Archives,
lxxx., 82.

Mass.
Archives,
lxxx., 82.
House Jour-
nal, p. 264.

A PETITION of Aaron Beard of Tewksbury Setting forth That his son Aaron Beard was a Soldier in the Pay of the Province in Col^o Saltonstalls Regiment in 1760. That upon his return he brought the Small pox home with him, and it was forty eight days before he was clear of the Infection which occasioned him great expence. And Praying an Allowance.

Read and

Ordered that the Sum of ten pounds two Shillings be paid out of the publick Treasury to James Fowle Esq^r for the Use of the Pet^r in full. [*Passed February 20.*]

CHAPTER 359.

ORDER ALLOWING £4.4 TO RALPH HEMENWAY.

Legislative
Records of the
Council, xxiv.,
277. Mass.
Archives,
lxxx., 81.

Mass.
Archives,
lxxx., 80.
House Jour-
nal, p. 264.

A PETITION of Ralph Hemenway of Framingham Setting forth That in the Year 1761 his son John Hemenway was a Soldier in the Pay of the Province, and upon his return brought the small pox home with him, of which he continued Sick thirteen days and then dyed. That on this occasion he was obliged to remove his Family to avoid the Infection which put him to great expence And Praying an Allowance.

Read and

Ordered that the Sum of four pounds four shillings be paid out of the publick Treasury to Joseph Buckminster Esq^r for the Use of the Pet^r in full. [*Passed February 20.*]

CHAPTER 360.

RESOLVE IMPOWERING TIMOTHY WOODBRIDGE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
259. Mass.
Archives,
xxxiii., 168.

Mass.
Archives,
xxxiii., 167.
Legislative
Records of the
Council, xxiv.,
36, 244. House
Journal, pp. 43,
47, 57, 241, 270.

A PETITION of Mary Wepucks Indian Woman of Stockbridge Praying leave to sell a Lot of land, which Petition was committed to a Committee of both Houses on the 9th Instant.

Upon the report verbally made by the Committee on the part of the Board.

Resolved That the Prayer of the Petition be granted and that Timothy Woodbridge Esq^r be, and He hereby is authorised to sell and dispose of the Lot of Land therein mentioned, and in the name and on behalf of the Petitioner to make and execute a good deed of Sale thereof, and out of the Monies arising by said Sale to pay and discharge the Petitioners just debts and to pay the remaining part of the purchase Money into the hands of the said Petitioner for her own use as She shall stand in need thereof. [*Passed February 22.*]

CHAPTER 361.

ORDER ALLOWING £4.16 TO BENJ^A PINDAR.

A PETITION of Benjamin Pindar of Ipswich Setting forth That he was a Soldier in the Pay of the Province at Louisbourg in 1760, that on his return home he was cast away on the Isle of Sable, and was obliged to pay ten dollars for his passage from thence, besides which he is made up one month short in the Muster Roll. And Praying an Allowance.

Read &

Order^d that the Prayer of this Pertition be granted, & that there be paid out of the Province Treasury to the Pertitioner the Sum of four Pounds Sixteen Shilling In full of the Pertition. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
279. Mass.
Archives,
lxxx., 130.

Mass.
Archives,
lxxx., 130.
House Jour-
nal, pp. 260, 263.

CHAPTER 362.

ORDER ALLOWING £25 TO FRA^S MILLER.

A PETITION of Francis Miller of Middleborough Setting forth That his Brother Nathanael Miller being a Soldier in the Pay of the Province at Nova Scotia was on the 13th of April 1760 accidentally shot in the Back of which Wound he dyed: that the Petitioner disbursed on the account of his said Brother Thirty eight pounds Halifax currency And Praying an Allowance.

Read and

Ordered that the Sum of Twenty five pounds be paid out of the publick Treasury to the Pet^r in full for the expences mentioned. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
279. Mass.
Archives,
lxxx., 122.

Mass.
Archives,
lxxx., 122.
House Jour-
nal, pp. 257, 270.

CHAPTER 363.

ORDER GRANTING TO AMOS BRADLEY LICENCE TO KEEP AN INN.

A PETITION of Amos Bradley of Dracut Setting forth That He hath lately purchased a House and Land and Ferry thereto adjoining, which House hath for many years past been improved as a Tavern, and as a place of entertainment is much wanted there, He prays that he may be licensed to keep a Tavern in the said House he having obtained the approbation of the Selectmen of the Town for that purpose.

Read &

Ordered That the prayer of the Petition be Granted and that the Justices of the Court of Generall sessions of the Peace for the County of Middlesex be & hereby are Impowered to Grant the Petitioner a Licence at their Next term (if they see Cause) to keep an House of Publick Entertainment in the town of Dracutt, the time for Granting Licences being Elapsed notwithstanding, He also obtaining the approbation of the Select men of that Town for that Purpose.¹ [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
279. Mass.
Archives, cxi.,
521.

Mass.
Archives, cxi.,
520.

¹ Not found in the House Journal.

CHAPTER 364.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxiv.,
280.

House Jour-
nal, p. 271.
Ante, p. 106,
chap. 247.

WHEREAS the Court of General Sessions of the Peace and Inferior court of Common Pleas for the County of Worcester are by order of this Court appointed to be held at Worcester in and for the County of Worcester on the first Tuesday of March next, but by reason of the Sitting of this Court it will be inconvenient for such of the Justices and Officers of the same Courts as are members of this Court to attend them at that time; as his majesty's Service may require their attendance here: Therefore

Ordered That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas which by said appointment are to be held at said Worcester at the time aforesaid be and hereby are adjourned to the second Tuesday in may next to be held at the Court House in the Town of Worcester aforesaid at ten of the clock in the Forenoon of said day: And all Pleas, Writts, Actions Suits, Plaints, Processess, Precepts, Recognizances and all other thing and things whatsoever returnable or having day or days in the said Courts shall stand abide and continue unto the said adjournment, and be held deemed and adjudged to be as good effectual and available to all intents and purposes whatsoever as if said Courts had been held and kept on the day by Law for holding the same, and no Adjournment of them had been made. [*Passed February 22.*]

CHAPTER 365.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxiv.,
280.

House Jour-
nal, p. 262.

Resolved That the sum of Fifty pounds be granted and allowed to be paid out of the Public Treasury to the honourable Andrew Oliver Esq^r Secretary of this Province for his Service for one Year ending the sixth day of December last. [*Passed February 22.*]

CHAPTER 366.

RESOLVE ALLOWING £70 ADDITIONAL TO THE SECRETARY.

Legislative
Records of the
Council, xxiv.,
280.

House Jour-
nal, p. 262.
Supra, chap.
365.

Resolved that the sum of Seventy pounds be granted and allowed to be paid out of the Public Treasury to the honourable Andrew Oliver Esq^r Secretary of this Province in consideration of his extraordinary Services to the sixth day of December last. [*Passed February 22.*]

CHAPTER 367.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Resolved, That the Sum of Two hundred and Sixty Seven pounds be granted and allowed to be paid out of the publick Treasury, to the honourable Harrison Gray, Esq^r Treasurer and Receiver-General of his Majesty's Revenues of this Province, for a Year's Service, ending the twenty third Day of December last. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
280. Mass.
Archives, l,
163.
House Jour-
nal, p. 262.

CHAPTER 368.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Represent^{ves}

Resolved, That there be granted and allowed to be paid out of the publick Treasury, the Sum of four Shillings per Diem, to the honourable James Otis, Esq^r Speaker of the House, for every Day of his Attendance in the General Court, from the opening of the Session, on the twenty seventh Day of May 1761, over and above his Pay as a Member of this House.

In Council Read and Concurred. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
281. Mass.
Archives, l,
162.
House Jour-
nal, p. 262.

CHAPTER 369.

RESOLVE ALLOWING £250 TO THE PRESIDENT OF HARVARD COLLEGE.

Resolved, That the Sum of Two hundred and fifty pounds be granted and allowed to be paid out of the publick Treasury, to the Reverend M^r Edward Holyoke, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for one year, ending the tenth Day of September next, to be paid Quarterly. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
281. Mass.
Archives,
lviii., 465.
House Jour-
nal, p. 262.

CHAPTER 370.

RESOLVE ALLOWING £100 TO THE REV^d D^r EDWARD WIGGLESWORTH.

Resolved, That there be granted and allowed to be paid out of the publick Treasury to the Reverend D^r Edward Wigglesworth, Hollisian Professor of Divinity at Harvard-College in Cambridge, the Sum of One hundred pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, and for his further Encouragement therein. [*Passed February 22.*]

Legislative
Records of the
Council, xxiv.,
281. Mass.
Archives,
lviii., 465.
House Jour-
nal, p. 263.

CHAPTER 371.

RESOLVE ALLOWING £90 TO PROF. JOHN WINTHROP.

Legislative
Records of the
Council, xxiv.,
281.

House Jour-
nal, p. 263.

Resolved That there be granted and allowed to be paid out of the Publick Treasury to John Winthrop Esq^r Hollisian Professor of the Mathematicks and Natural Philosophy at Harvard College in Cambridge the Sum of Ninety pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him and for his further encouragement therein. [*Passed February 22.*]

CHAPTER 372.

RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council, xxiv.,
281.

House Jour-
nal, p. 262.

Resolved That there be granted and allowed to be paid out of the Publick Treasury the Sum of Ninety pounds to Roland Cotton Esq^r Clerk of the House of Representatives for his Service during the several Sessions of the General Court for the current Year. [*Passed February 22.*]

CHAPTER 373.

RESOLVE ALLOWING £50 TO THE HEIRS OF LIEUT JOHN LARRABEE.

Legislative
Records of the
Council, xxiv.,
282.

House Jour-
nal, p. 263.
Province
Laws, xvi., 652,
chap. 188.

Resolved That there be allowed and paid out of the Publick Treasury the Sum of Fifty pounds to the heirs of John Larrabee late Lieutenant of his Majestys Garrison at Castle William deceased in consideration of his faithful discharge of that trust reposed in him. [*Passed February 22.*]

CHAPTER 374.

RESOLVE ALLOWING £12 TO THE CHAPLAIN OF THE HOUSE AND COUNCIL.

Legislative
Records of the
Council, xxiv.,
282. Mass.
Archives, xiv.,
308.

House Jour-
nal, p. 263.

Resolved, That there be allowed and paid out of the publick Treasury the Sum of Twelve pounds to the Reverend M^r Samuel Cooper, Chaplain to the honourable Board, and the honourable House of Representatives, the Current Year. [*Passed February 22.*]

CHAPTER 375.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative
Records of the
Council, xxiv.,
282. Mass.
Archives, xiv.,
307.

House Jour-
nal, p. 263.

Resolved, That there be allowed and paid out of the publick Treasury, the Sum of forty pounds to M^r John Phillips, Chaplain at his Majesty's Castle-William, for one Year in Consideration of his faithful Discharge of that Trust. [*Passed February 22.*]

CHAPTER 376.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £40 TO THE DOOR-KEEPER.

Resolved That there be allowed and paid out of the Public Treasury the sum of Sixty pounds to M^r William Baker, Doorkeeper to his Excellency the Governor and this Court for his service for one year to be paid quarterly: And also the further sum, of Forty pounds in consideration of his expence in hiring assistance and extraordinary care and trouble as Doorkeeper. [*Passed February 22.*]

Legislative Records of the Council, xxiv., 282.

House Journal, p. 263.

CHAPTER 377.

VOTE APPOINTING A COMMITTEE TO COUNTERSIGN THE TREASURERS NOTES.

THE TWO HOUSES according to Agreement proceeded to the choice of three persons to countersign the Treasures Notes, the Votes being counted and sorted, it appeared that John Osborne, Royall Tyler and John Phillips Esq^{rs} were unanimously chosen. [*Passed February 23.*]

Legislative Records of the Council, xxiv., 283. Mass. Archives, civ., 180.

Mass. Archives, civ., 179. Legislative Records of the Council, xxiv., 282. House Journal, pp. 270, 271. Province Laws, iv., 559, note. *Infra*, chap. 378.

CHAPTER 378.

RESOLVE IMPOWERING THE GOVERNOR AND COUNCIL TO APPOINT SUBSTITUTES TO COUNTERSIGN THE TREASURERS NOTES.

Resolved that in case of the Death or Sickness of either of the Committee chosen to countersign the Treasurer's Notes agreeable to the several Acts or Laws passed this Session of the Gen^l Court.

The Governour and Council be and hereby are in the recess of the Gen^l Court to appoint one or more in their room and stead as the case may require And He or they so appointed shall continue until the further Order of this Court. [*Passed February 23.*]

Legislative Records of the Council, xxiv., 283. Mass. Archives, civ., 181.

House Journal, p. 272. Province Laws, iv., 559, note. *Supra*, chap. 377.

CHAPTER 379.

RESOLVE ALLOWING £700 TO THE JUDGES.

Resolved, That the Sum of Seven hundred pounds be granted and paid out of the publick Treasury to the Honourable Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, for their Services for one year, ending the first Day of January last. [*Passed February 23.*]

Legislative Records of the Council, xxiv., 283. Mass. Archives, xlv., 505.

House Journal, p. 262.

CHAPTER 380.

ORDER ALLOWING £12 TO W^M RICHARDSON.

Legislative
Records of the
Council, xxiv.,
285.

House Jour-
nal, p. 270.

Ordered That the sum of twelve pounds be granted out of the Public Treasury to William Richardson Esq^r in full for his service in taking care of the Petitions of Sick and wounded Soldiers and reporting thereon. [*Passed February 23.*]

CHAPTER 381.

ORDER ALLOWING £8 TO JA^S HUMPHREY.

Legislative
Records of the
Council, xxiv.,
285.

House Jour-
nal, p. 270.

Ordered That the sum of Eight pounds be granted out of the Public Treasury to James Humphry Esq^r in full for his service in taking care of the Petitions of Sick and wounded Soldiers and reporting thereon. [*Passed February 23.*]

CHAPTER 382.

RESOLVE IMPOWERING THEOPHILUS BRADBURY TO COLLECT EXCISE IN CUMBERLAND COUNTY.

Legislative
Records of the
Council, xxiv.,
285. Mass.
Archives, cxx.,
409.

Legislative
Records of the
Council, xxiii.,
632. House
Journal, p. 275.
Province
Laws, iv., 356,
note.

THE HOUSE being Informed That mr William Livermore who was Appointed by this Court to Collect the Excise on Spirituous Liequer in the County of Cumberland the last Year Dyed before he had entered Upon that Service, and also that the Justices of the Court of General sessions of the peace for the County of Cumberland had Omitted the appointing of a Collector in the Room and Steed of the Deceased, for which Reason the Province is in danger of Loosing the Excise of the County of Cumberland for the last Year Unless prevented by this Court

Therefore

Resolved that Theophilus Bradbury the Collector of Excise for the Insuing Year in the County of Cumberland be and he is hereby Directed and Impowered to Collect the Excise in the County of Cumberland which the Said deceased, (if he had Survived) Should have Collected, In as full and ample manner to all intents and purposes as the Said Deceased Could or ought to have done, and account with the Treasurer of the Province for the Same. [*Passed February 23.*]

CHAPTER 383.

ORDER DIRECTING THE COMMISSARY GENERAL TO PAY THE ACCOUNT OF WILLIAM CLARK.

Legislative
Records of the
Council, xxiv.,
285. Mass.
Archives,
lxxx., 138.

A PETITION of William Clark of Boston, Apothecary Setting forth That He provided and delivered for the use of the Troops employed the last year in the Pay of the Province a quantity of Medicines and Drugs agreeable to his Account herewith exhibited,

the Amount whereof exceeds the Sum allowed by the Government for that purpose. And Praying that he may be allowed for the same.

Read and

Ordered that the Commasery General be Directed to pay the Petitioner the account mentioned in this Petition. [*Passed February 23.*]

House Journal, pp. 201, 259.

CHAPTER 384.

VOTE IMPOWERING IZANNA AND JOHN MANN TO SELL AN INTEREST IN AN ESTATE.

A PETITION of John Mann of Boston Blacksmith and Izanna¹ his Wife Setting forth That the said Izanna's Father William Fadree died about seven Years since seized of a dwelling house and Land in the Southerly part of Boston, leaving one son and two daughters, one half of which Estate belongs to the son, and one quarter part to each of the daughters; that the said Izannas Brother and Sister choosing to sell their Shares, and the Estate being small and incapable of a division, they pray that the said Izanna who is as yet under age, may be impowered to join with her husband in executing a deed for her quarter part of the said Estate.

[Read and]

Voted That the Prayer of this Petition be so far granted that the Petitioner Izanna Mann be and is hereby fully Authorized and impowered to join with her husband John Mann in making sale; and executing a good deed of her said quarter part of said House and Land mentioned in said Petition, and that the deed executed by them shall be valid in law to all intents and purposes, her nonage notwithstanding. [*Passed February 24.*]

Legislative Records of the Council, xxiv., 290.

House Journal, p. 272.

CHAPTER 385.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON THE BOUNDARY BETWEEN THIS PROVINCE AND NOVA SCOTIA.

THE REPORT of a Committee appointed to take under consideration the bounds between this Province and Nova Scotia, and also the Claims of the Patentees of Lands in the Eastern parts of this Province

The Committee find that the Province of Nova Scotia by the Royal Patent to Sir William Alexander is bounded by the River S^t Croix to the head thereof, and the remotest Westernmost Branch or Stream, and from thence by an imaginary Line to run North to the River S^t Lawrence. That by the Royal Charter to this Province all the Lands between the Province of Main and the said Line of Nova Scotia from the Sea to the said River S^t Lawrence are undoubtedly within the Jurisdiction of this Government.

That by the first Voyage made by the French who gave the name to the River S^t Croix, as also by divers maps or Charts which have been since published the said River may be ascertained.

The Committee are therefore of opinion that one or more Gentle-

Legislative Records of the Council, xxiv., 284. Mass. Archives, cxvii., 830.

Mass. Archives, cxvii., 827. Legislative Records of the Council, xxiv., 203. House Journal, pp. 198, 199, 225, 261. *Post*, p. 176, chap. 406; p. 191, chap. 440.

¹ The House Journal, p. 272, reads, "*Hannah.*"

men be appointed by this Court to join with such as may be appointed by the Province of Nova Scotia to repair to the said River St Croix and to determine upon the place where the said North Line is to begin, and to extend said Line so far as the said Committee shall think it necessary, and to ascertain the same by mark'd Trees or other boundary marks. And that his Excellency be desired to acquaint the Commander in Chief of Nova Scotia with this Proposal.

The Committee further report that no persons appear to claim any Grants of Land to the Eastward of the Lands contained in the Patent to Beauchamp and Leverett. That the said Lands in said Patent are claimed by the Representatives of the late Brigadier General Waldo; and they upon conference with the Committee agree to release to the Province all their Right and Claim to Lands East of Penobscot River provided the Province release and convey to the said Representatives a tract of six Miles in breadth at the head of the said Patent to extend from the said River to the Line from Muscongus after extending said Line 36 miles from Muscongus into the Country. provided the same do not interfere with any prior Grant, and provided that the line aforesaid extending from Muscongus into the Country do not interfere with any prior Patent.

And the Committee are of opinion that such conveyance be made by persons to be authorized and empowered by this Court upon the terms and Conditions aforesaid accordingly

All which is submitted in the name and by order of the Committee.
(Signed) T: HUTCHINSON.

Read and

Ordered that this report be accepted. [*Passed February 25.*¹

CHAPTER 386.

Legislative
Records of the
Council, xxiv.,
291. Mass.
Archives,
lviii., 472.

House Jour-
nal, p. 279.

ORDER TO DELIVER TO ELIJAH WILLIAMS SHERIFF OF BERKSHIRE COUNTY A SET OF THE PROVINCE LAWS.

Ordered that the Printer of the province Laws be directed to deliver to Elijah Williams Esq^r Sheriff of the County of Berkshire one Set of the S^d Laws for the use of S^d County to be by him delivered to the Clerk of the peace in s^d County. [*Passed February 25.*

CHAPTER 387.

VOTE IMPOWERING LYDIA TAFT, ADM^x, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
291.

House Jour-
nal, p. 278.

A PETITION of Lydia Taft of Mendon, Widow and Administratrix of the Estate of her late Husband Josiah Taft of said Mendon deceased Setting forth That her said Husband had bargained with one Abner Darling of said Mendon for a House and two hundred Acres and a half of Land lying in a remote part of said Town for £150 Old Tenor and had received forty shillings lawfull money in part; but was taken sick and dyed suddenly before the deed was

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 23.

executed; That he left only two small Children, to whom the said Estate can be but of little Service, And Praying that she may be enabled to make a deed of the same agreeable to the bargain made by her late Husband as aforesaid.

[Read and]

Voted That the Prayer of the within Petition be so far granted as that the Petitioner Lydia Taft be, and hereby is impowered to compleat the bargain which her late Husband Josiah Taft deceas'd in his lifetime made with Abner Darling, and to execute a good deed in Law to him of the House and Land withinmentioned, She also giving sufficient caution to the Judge of Probate for the County of Worcester that the money arising by the sale thereof be divided among the heirs and legal Representatives of the said Josiah Taft deceased according to the directions of the Law. [*Passed February 25.*]

CHAPTER 388.

ORDER ALLOWING £3. 12 TO ABEL HOLBROOK.

A PETITION of Abel Holbrook of Sherburne Setting forth That He was a Soldier in the Pay of the Province in 1758. in Captain Springs Company; that on the 18 of June he was dismissed the Service on account of sickness, and that he remained incapable of Business for near four Months after: and thro' some mistake he is not made up in the Roll. And Praying Relief.

Read and

Ordered that the Sum of three pounds twelve Shillings be paid out of the publick Treasury to Captain Peter Coolidge for the Use of the Pet^r in full. [*Passed February 25.*]

Legislative
Records of the
Council, xxiv.,
291. Mass.
Archives,
lxxx., 56.

Mass.
Archives,
lxxx., 55.
House Jour-
nal, pp. 172, 277,
278.

CHAPTER 389.

ORDER ALLOWING £20 TO SAM^l DAVIS.

A PETITION of Samuel Davis, Armourer at Castle William Set- ting forth That he hath served in capacity of Armourer for nineteen Years, and hath over and above the duties of that Office performed the common Smiths work of the Castle, in doing which he hath expended two chaldron of his own coals that he hath also from time to time cleansed the other Province Arms, this year particularly he hath cleaned 1,200 for all which he hath had no Allowance, And Praying for such Allowance as this Court shall judge meet.

Read and

Ordered that the Sum of twenty pounds be granted out of the publick Treasury to the Pet^r in full for his Service and expences mentioned. [*Passed February 25.*]

Legislative
Records of the
Council, xxiv.,
292. Mass.
Archives,
lxxx., 113.

Mass.
Archives,
lxxx., 113.
House Jour-
nal, pp. 252, 277.

CHAPTER 390.

ORDER IMPOWERING THEOPHILUS MANSFIELD, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
292.

House Jour-
nal, p. 279.
Province
Laws, li., 151,
chap. 10.

A PETITION of Theophilus Mansfield of Weston, Setting forth That he is Guardian of one Lydia Gage of Lincoln, a person non compos mentis; and that he hath expended in her support more than all her personal Estate, and hath accounted and settled with the Judge of Probate accordingly. That the said Lydia hath about eight Acres of Woodland in Lincoln from which no Income arises, and hath no other Estate. And Praying that he may be empowered to make sale thereof for her further support.

[Read and]

Ordered That the Prayer of the Petition be so far granted as that the Petitioner in his said capacity of Guardian to Lydia Gage be and hereby is empowered to make sale of the Lands of the said Lydia as mentioned, he observing the direction of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of middlesex, that the money arising by said Sale be applied to the use and benefit of the said Lydia Gage. [*Passed February 25.*]

CHAPTER 391.

ORDER ALLOWING £16 TO JOHN HAWKS.

Legislative
Records of the
Council, xxiv.,
293. Mass.
Archives,
lxxx., 58.

House Jour-
nal, pp. 280, 281.

A PETITION of John Hawks of Deerfield Setting forth That in the year 1758, He engaged in his Majestys Service and proceeded as a Captain in Col^o William Williams's Regiment, That in June Major General Abercrombie formed a Battalion out of the several Regiments of this Province, and appointed Oliver Partridge Esq^r Colonel of the same, and the memorialist major, (there being no Lieutenant Colonel) That he hath received only Captains Pay as yet, although all or most of the Officers who were by this means advanced have received Pay in proportion. And Praying an allowance.

[Read and]

Ordered that the Sum of Sixteen pounds be paid out of the publick Treasury to Oliver Partridge Esq^r for the Use of the Pet^r in full for his Service as Maj^r within mentioned. [*Passed February 26.*]

CHAPTER 392.

VOTE IMPOWERING NATH^l HOLMES, ADM^s, TO SELL LAND, AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxlv.,
293.

House Jour-
nal, p. 279.

A PETITION of Nathanael Holmes Administrator of the Estate of Nathan Bucknam late of Stoughton, Physician, deceased Intestate Setting forth That the deceaseds debts amount to £89.15.9 more than can be discharged with his personal Estate: That his Real

Estate consists of Fifty four Acres of Land mostly wild and unimproved, with a House and Barn thereon apprized at Two hundred pounds. That the deceased left a Widow and five small Children, all of them Daughters, to whom the remainder of the Estate can be of but little benefit, when a part is sold off, to pay the debts. And Praying leave to sell the whole.

[Read and]

Voted That the Prayer of this Petition be granted, and the said Nathanael Holmes in his said capacity of Administrator be & hereby is authorized and empowered to make sale of the Land mentioned for the most the same will fetch, and execute a good deed or deeds in the Law for the same, he observing the directions of the Law for the Sale of intestate Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Suffolk for applying the Proceeds of said Sale for the purposes in the Petition mentioned. [*Passed February 26.*]

Province
Laws, ii., 151,
chap. 10.

CHAPTER 393.

ORDER ALLOWING £13 TO W^M DAVISON.

A PETITION of William Davison Setting forth That his Apprentices Nowell Davison and Josiah White went out in his Majesty's Service and in the Pay of the Province as Soldiers in 1760, and both returned home infected with the Small pox, which soon after broke out upon them, which occasioned him a considerable Expence, as well as the loss of their time. And Praying an Allowance.

Read and

Ordered that the sum of thirteen pounds be paid out of the publick Treasury to M^r Henry Herrick for the Use of the Pet^r in full. [*Passed February 26.*]

Legislative
Records of the
Council, xxiv.,
294. Mass.
Archives,
lxxx., 102.
House Jour-
nal, p. 280.

CHAPTER 394.

ORDER ALLOWING £3. 8. 5 TO ELIAS JACKMAN.

A PETITION of Elias Jackman of Newbury Setting forth That his Son Stephen Jackman a minor inlisted into the Service in the Pay of the Province in 1758, and was taken sick on the road on his return home, which occasioned the Petitioner a Journey and upwards of £4 expence besides to bring him home, and the loss of three months time after he got home. And Praying an Allowance.

Read and

Ordered that the Sum of three pounds eight Shillings and five pence be paid out of the publick Treasury to John Brown Esq^r for the Use of the Pet^r in full. [*Passed February 26.*]

Legislative
Records of the
Council, xxiv.,
294. Mass.
Archives,
lxxx., 133.
House Jour-
nal, p. 281.

CHAPTER 395.

ORDER IMPOWERING HANNAH SPEEN, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
294. Mass.
Archives,
xxxiii., 193.

Mass.
Archives,
xxxiii., 192.
Legislative
Records of the
Council, xxiii.,
716. House
Journal, p. 280.
Province
Laws, xvi., 241,
chap. 76, note.

A PETITION of Hannah Speen of Natick, Indian, Praying leave to sell her Moiety of 26 Acres of Land which she holds in common with Daniel Thomas, which Land formerly belonged to Benjamin Tray of said Natick Indian, as set forth in her Petition [Legislative Records of the Council, xxiii., 716.]

Read & revived &

Ordered that the Prayer of the Petition be granted and that the Petitioner with the advise & assistance of the Guardians of the Natick Indians be Impow^d to make Sale of the Land mentioned in the Petition for the most the Same will fetch and that the Money arising thereby be put out at Intrest for the future benefit of the Petitioner & her Heirs. Under the Care & Inspection of said Guardians. [*Passed February 26.*]

CHAPTER 396.

Legislative
Records of the
Council, xxiv.,
295. Mass.
Archives,
xli., 454.

House Jour-
nal, p. 282.
Record Book of
Commissions,
1767-1775,
p. 207.

RESOLVE GRANTING THE ISLAND OF MOUNT DESERT TO HIS EXCEL-
LENCY GOVERNOR SIR FRANCIS BERNARD.

Resolved that in consideration of the extraordinary Services of His Excellency Governour Bernard there be granted to him his Heirs and Assigns the Island of Mount Desert lying Northeastward of Penobscot Bay and that a grant thereof to be laid before His Majesty for his approbation be Signed by the Secretary and Speaker on behalf of the two Houses. [*Passed February 27.*]

CHAPTER 397.

ORDER ADJOURNING THE COURTS OF MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxiv.,
295.

House Jour-
nal, pp. 282, 283.
Province
Laws, iii., 64,
chap. 32.

WHEREAS divers Justices of the General Sessions of the Peace and Inferior Court of Common Pleas which by Law are to be held at Charlestown in and for the County of middlesex on the second Tuesday of March next are members of this Court, and the Affairs of the Province now depending may require their attendance at the same time, and the Superior Court of Judicature &c is now sitting and will probably sit at the aforesaid time, and as divers criminal cases are depending at the said Superior Court which may very much interfere with the business of the said Inferior Court &c^a

Ordered That the Courts aforesaid that are by Law to be holden at Charlestown aforesaid on the second Tuesday of March next be, and they hereby are adjourned to the fourth Tuesday of said March then to be holden at Charlestown aforesaid at ten of the clock in the forenoon of the same day: and all Pleas, Actions, Suits, Plaints, Processes Precepts, Recognizances and every other matter whatsoever returnable or having day at the said General Sessions of the

Peace or Inferior Court of Common Pleas shall stand, abide and continue unto the said fourth Tuesday in March and shall then have day, be heard, tried and proceeded in by the same Courts respectively, and shall be deemed and held as good, effectual and available in law to all intents and purposes whatsoever as if the said Courts had been held and kept at the time by Law provided for holding the same. [*Passed February 27.*]

CHAPTER 398.

ORDER IMPOWERING SARAH MERIAM, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Meriam,¹ Widow and Administratrix of the Estate of her late husband Hezekiah Meriam deceased of Oxford Setting forth That her said Husband dyed possessed of a small House and about forty acres of Land in Oxford, mostly unimproved and has left no personal Estate; and the memorialist is left with but one Child which is about two years of Age; that the improvements on said Land being new, it will require much labour to keep down the Brush, and would not let for more than sixteen shillings if that service was required, and the Land would probably sell for Forty pounds, which money at interest she apprehends would be more for the Childs Advantage, And Praying leave to sell the same.

Legislative
Records of the
Council, xxiv.,
297.

House Jour-
nal, p. 281.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Petitioner Sarah Meriam in her capacity of Administratrix be empowered to make Sale of the House and Land mentioned in the Petition for the most the same will fetch, and to make and execute a good deed or deeds of the same: She observing the directions of the Law respecting the Sale of real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester that the Produce arising by said Sale shall be put to interest for the benefit of the deceased's Child agreeable to Law. [*Passed March 2.*]

CHAPTER 399.

VOTE AND ORDER GRANTING TO DAVID BEAN & OTHERS A TOWNSHIP BETWEEN PENOBSCOT AND ST. CROIX RIVERS.

A PETITION of David Bean and others Setting forth That they have been employed by the Government in the Wars And Praying that in further consideration of their Services they may have a Grant made them of a Township at or about Mount Desart.

Legislative
Records of the
Council, xxiv.,
298. Mass.
Archives,
cxvii., 806.

[Read and]

Voted, That the Prayer of David Bean and eighty one Others his Associates be so far granted, as that there be, and hereby is granted unto Him the said David Bean & his associates herein named viz^t their Heirs and Assigns for ever as Tenants in Common one Township of Land, to consist of the Quantity of six Miles Square of the unappropriated Lands of this Province, between the River Penob-

House Jour-
nal, pp. 266, 267.

¹ The House Journal, p. 281, reads, "*Mircam.*"

scot and the River St Croix: That the said Township be no more than six miles on the Sea Coast, or on Penobscot or other Rivers: That they return a Plan of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the last Day of July next: That they within six Years after they shall obtain his majesty's Approbation of this Grant (unless prevented by War) settle said Township with sixty good Protestant Families, and build sixty Houses, none to be less than eighteen Feet Square, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share fit for Tillage or Mowing; and that they build in said Town ship a suitable Meeting house for the publick Worship of God, and settle a Learned Protestant minister, and make Provision for his comfortable and honourable Support. and that in said Township there be reserved and appropriated four whole Rights or Shares in the Division of the same (accounting one sixty fourth Part a Share) for the following Purposes, Viz^t one for the first settled or ordained minister his Heirs and Assigns forever; one for the use of the ministry one to and for the use of Harvard College in Cambridge and one for the use of a School forever: And if any of the Grantees or Proprietors of said Township shall neglect with in the Term of six years as before mentioned, to do and perform according to the several Articles respecting the Settlement of his Right or Share as hereby enjoined, his whole Right or Share shall be entirely forfeited and enure to the use of this Province.

Provided nevertheless, the Grant of the above Lands is to be void and of none Effect, unless the Grantees do obtain his Majesty's Confirmation of the same in eighteen Months from this Time.

And be it further

Ordered, as a Condition of the Grant aforesaid, That each Grantee give Bond to the Treasurer of this Province for the Time being, and to his Successors in said Office, for the Sum of Fifty Pounds for the Use of this Province, Conditioned for the faithful Performance of the Duties required, according to the Tenor of the Grants aforesaid; and that a Committee or Committees be appointed by this Court to take said Bonds accordingly.

And further that said Committee be empowered to admit others as Grantees in y^e Room of such Persons contained in y^e List afores^d who shall neglect to appear by themselves, or others, in their Behalf to give Bonds at such time as the Committee shall appoint. [*Passed March 2.*]

CHAPTER 400.

VOTE AND ORDER GRANTING TO MOSES TWITCHELL AND OTHERS A TOWNSHIP OR TOWNSHIPS BETWEEN THE PENOBSCOT AND ST. CROIX RIVERS.

Legislative
Records of the
Council, xxiv.,
299. Mass.
Archives,
cxvii., 602.

Mass.
Archives,
cxvii., 598.
House Jour-
nal, p. 267.

A PETITION of Moses Twitchell and Others Inhabitants of Casco Bay Praying for a Grant of Land for a Township or Townships on the northern and Western side of the Island of Mount Desart and next adjoining the same on the Main.

[Read and]

Voted, That the Petition of Moses Twitchel and one Hundred and eighty Others his Associates be so far granted as that there be and is hereby granted unto Him the said Moses Twitchell & his Associates herein named viz their Heirs and Assigns for ever as

Tenants in Common, three Townships of Land, each to consist of the Quantity of six miles Square, of the unappropriated Lands of this Province, between the River Penobscot and the River St Croix; to be laid out in as regular and contiguous a Manner as the Land will admit of: That no Township be more than six miles on the Sea Coast, or on Penobscot or other Rivers: That they return a Plan or Plans of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the last Day of July next: That they within six Years after they shall obtain his Majesty's Approbation of this Grant (unless prevented by War) settle each Township with sixty good Protestant Families, and build sixty Houses; none to be less than eighteen Feet Square, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share, fit for Tillage or Mowing; and that they build in each Township a suitable Meeting house for the publick Worship of God, and settle a Learned Protestant Minister, and make Provision for his comfortable and honourable Support; And that in each Township there be reserved and appropriated four whole Rights or Shares in the Division of the same (accounting one sixty fourth Part a Share) for the following Purposes; Viz^t one for the first settled or Ordained minister, his Heirs and Assigns for ever; one for the Use of the ministry, one to and for the use of Harvard College in Cambridge and one for the Use of a School for ever: And if any of the Grantees or Proprietors of any or each of said Townships respectively, shall neglect within the Term of six Years as above mentioned to do and perform according to the several articles respecting the Settlement of his Right or Share as hereby enjoined shall be entirely forfeited and enure to the Use of this Province.

Provided nevertheless the Grant of the above Lands is to be void and of none Effect, unless the Grantees do obtain his Majesty's Confirmation of the same in eighteen Months from this Time.

And be it further

Ordered, as a Condition of the Grant aforesaid, That each Grantee give Bond to the Treasurer of this Province for the Time being, and to his Successors in said Office for the Sum of fifty Pounds for the use of this Province, Conditioned for the faithful Performance of the Duties required according to the Tenor of the Grants aforesaid; and that a Committee or Committees be appointed by this Court to take said Bonds accordingly.

And further y^t s^d Comm^e be empowered to admit others as Grantees in y^e Room of such Persons contained in y^e List afores^d who shall neglect to appear by themselves, or others in their Behalf, to give Bonds at such time as the Committee shall appoint. [*Passed March 2.*]

CHAPTER 401.

VOTE AND ORDER GRANTING TO DAVⁿ MARSH AND OTHERS SIX TOWNSHIPS BETWEEN THE PENOBSCOT AND ST. CROIX RIVERS.

A PETITION of David Marsh and Others Praying for a Grant of a Tract of land suitable for Settlements between the Province of Nova Scotia and the Province of Maine.

[Read and]

Voted, That the Petition of David Marsh, Enoch Bartlet, James McHurd, James Duncan, Peter Parker, Edmund Moers, Dudley

Legislative
Records of the
Council, xxiv.,
301. Mass.
Archives,
cxvii., 781.

Mass.
Archives,
cxvii., 779.

House Jour-
nal, pp. 265, 266.

Carlton, Benjamin Harrod, and three Hundred and fifty two Others their Associates, be so far granted, as that there be and is hereby granted unto Him the said David Marsh & his Associates herein named viz^t their Heirs and Assigns for ever as Tenants in Common, six Townships of Land, each to consist of the Quantity of six miles Square, of the unappropriated Lands of this Province, between the River Penobscot and the River St^t Croix; to be laid out in as regular and contiguous a Manner as the Land will admit of: That no Township be more than six Miles on the Sea Coast, or on Penobscot or other Rivers; That they return a Plan or Plans of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the last Day of July next: That they within six years after they shall obtain his majesty's Approbation of this Grant (unless prevented by War) settle each Township with sixty good Protestant Families, and build sixty Houses, none to be less than eighteen Feet Square, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share fit for Tillage or Mowing; and that they build in each Township a suitable Meeting-house for the publick Worship of God, and settle a Learned Protestant minister, and make Provision for his comfortable and honourable Support: and that in each Township there be reserved and appropriated four whole Rights or Shares in the Division of the same (accounting one sixty fourth Part a Share) for the following Purposes, Viz^t one for the first settled or ordained Minister, his Heirs and Assigns for ever; one for the use of the Ministry, one to and for the use of Harvard College in Cambridge and one for the Use of a School for ever: and if any of the Grantees or Proprietors of any or each of said Townships respectively, shall neglect within the Term of six Years as before mentioned to do and perform according to the several Articles respecting the Settlement of his Right or Share as hereby enjoined, his whole Right or Share shall be intirely forfeited and enure to the use of this Province.

Provided nevertheless, the Grant of the above Lands is to be void and of none Effect unless the Grantees do obtain his Majesty's Confirmation of the same in eighteen months from this Time.

And be it further

Ordered as a Condition of the Grant aforesaid, That each Grantee give Bond to the Treasurer of this Province for the Time being, and to his Successors in said Office, for the Sum of Fifty Pounds for the Use of this Province, Conditioned for the faithful Performance of the Duties required according to the Tenor of the Grants aforesaid; And that a Committee or Committees be appointed by this Court to take said Bonds accordingly.

And further that said Committee be empowered to admit others as Grantees, in y^e room of such Persons contained in y^e List aforesaid, who shall neglect to appear by themselves, or others, in their Behalf, to give Bonds at such time as y^e Comm^e shall appoint. [*Passed March 2.*]

CHAPTER 402.

VOTE AND ORDER GRANTING TO WAIT WADSWORTH AND OTHERS A TOWNSHIP BETWEEN THE PENOBSCOT AND ST. CROIX RIVERS.

A PETITION of Wait Wadsworth and Others, Inhabitants of Duxborough and Pembroke Praying for a Grant of Land for a Township on Penobscot Bay or River.

[Read and]

Voted, That the Petition of Wait Wadsworth and Sixty Others his Associates be so far granted as that there be, and hereby is granted unto Him the said Wait Wadsworth & his Associates herein named their Heirs and Assigns for ever as Tenants in Common, one Township of Land, to consist of the Quantity of six Miles Square of the unappropriated Lands of this Province, between the River Penobscot and the River St Croix: That the said Township be no more than six miles on the Sea Coast, or on Penobscot or other Rivers: That they return a Plan of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the last Day of July next. That they within six years after they shall obtain his Majesty's approbation of this Grant (unless prevented by War) settle said Township with sixty good Protestant Families, and build sixty Houses, none to be less than eighteen Feet Square, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share fit for Tillage or Mowing; and that they build in said Township a suitable Meeting house for the publick Worship of God, and settle a Learned Protestant Minister, and make Provision for his comfortable and honourable Support: And that in said Township there be reserved and appropriated Four whole Rights or Shares in the Division of the same (accounting one sixty fourth Part a Share) for the following Purposes, Viz^t one for the first settled or ordained minister his Heirs and Assigns forever; one for the Use of the Ministry; one to and for the use of Harvard College in Cambridge and one for the Use of a School for ever: And if any of the Grantees or Proprietors of said Township shall neglect within the Term of six Years as beforementioned, to do and perform according to the several Articles respecting the Settlement of his Right or Share as hereby enjoined, his whole Right or Share shall be entirely forfeited and enure to the Use of this Province: Provided nevertheless the Grant of the above Lands is to be void and of none Effect, unless the Grantees do obtain his majesty's Confirmation of the same in eighteen Months from this Time.

And be it further

Ordered as a Condition of the Grant aforesaid, That each Grantee give Bond to the Treasurer of this Province for the Time, and to his Successors in said Office for the Sum of Fifty Pounds for the Use of this Province, Conditioned for the faithful Performance of the Duties required according to the Tenor of the Grant aforesaid; and that a Committee or Committees be appointed by this Court to take said Bonds accordingly. And further that said Committee be impowered to admit others as Grantees, in y^e Room of such Persons contained in the List afores^d who shall neglect to appear by themselves, or others in their behalf to give Bonds at such time, as y^e Comm^e shall appoint. [*Passed March 2.*]

Legislative
Records of the
Council, xxiv.,
305. Mass.
Archives,
cxvii., 537.

Mass.
Archives,
cxvii., 535.
House Jour-
nal, p. 267.
Province
Laws, xvi., 430,
chap. 174.

CHAPTER 403.

VOTE AND ORDER GRANTING TO EBENEZER THORNDIKE AND OTHERS
A TOWNSHIP BETWEEN THE PENOBSCOT AND ST. CROIX RIVERS.

Legislative
Records of the
Council, xxiv.,
304. Mass.
Archives,
cxvii., 771.

Mass.
Archives,
cxvii., 769.
House Jour-
nal, p. 267.

A PETITION of Ebenezer Thorndike and others, Praying for a Grant of Land for a Township at a place called Sandy Point about three miles above casteens River.

[Read and]

Voted, That the Petition of Eben^r Thorndike and fifty nine Others his Associates be so far granted as that there be, and hereby is granted unto Him the said Ebenezer Thorndike & his Associates herein mentioned viz, their Heirs and Assigns for ever as Tenants in Common, one Township of Land to consist of the Quantity of six Miles Square of the unappropriated Lands of this Province, between the River Penobscot and the River S^t Croix. That the said Township be no more than six Miles on the Sea Coast, or on Penobscot or other Rivers: That they return a Plan of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the last Day of July next: That they within six Years after they shall obtain his majesty's approbation of this Grant (unless prevented by War) settle said Township with sixty good Protestant Families, and build sixty Houses, none to be less than eighteen Feet Square, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share fit for Tillage or Mowing; and that they build in said Township a suitable Meeting-House for the publick Worship of God, and settle a Learned Protestant Minister, and make Provision for his comfortable and honourable Support: And that in said Township there be reserved and appropriated four whole Rights or Shares in the Division of the same, (accounting one sixty fourth Part a Share) for the following Purposes, Viz^t one for the first settled or Ordained minister, his Heirs and assigns for ever; One for the use of the Ministry; one to and for the use of Harvard College in Cambridge and one for the use of a School for ever: And if any of the Grantees or Proprietors of said Township shall neglect within the Term of six years as beforementioned, to do and perform according to the several Articles respecting the Settlement of his Right or Share as hereby enjoined, his whole Right or Share shall be entirely forfeited and enure to the Use of this Province.

Provided nevertheless, the Grant of the above Lands is to be void and of none Effect, unless the Grantees do obtain his majesty's Confirmation of the same in eighteen Months from this Time.

And be it further

Ordered as a Condition of the Grant aforesaid, That each Grantee give Bond to the Treasurer of this Province for the Time being, and to his Successors in said Office, for the Sum of Fifty Pounds, for the Use of this Province, Conditioned for the faithful Performance of the Duties required according to the Tenor of the Grants aforesaid: And that a Committee or Committees be appointed by this Court to take said Bonds accordingly

And further that said Comittee be impowered to admit Others as Grantees in the room of such persons contained in the List aforesaid who shall neglect to appear by themselves or Others in their behalf to give bonds, at such time as the Committee shall appoint. [*Passed March 3.*]

CHAPTER 404.

VOTE AND RESOLVE GRANTING TO JOS. FRYE, ESQ^r, A TOWNSHIP BETWEEN GREAT OSSAPE RIVER AND THE MOUNTAINS ABOVE PIG-WACKET.

A PETITION of Joseph Frye Esq^r Praying liberty to purchase a Tract of Land sufficient for a Township in some place between a River called Great Ossape running into Saco River, and the Mountains above Pigwacket, And as there are sundry Tracts of Land that would make good Settlements and are not yet disposed of by the Government, lying below on Saco River, which would be much advanced by the Settlements which the Petitioner proposes to make; and as he has spent the prime of his Life in the defence of his Country viz^t the last War from the beginning of the year 1745. till the settlement of a Peace; and the present War from the year 1754. 'till last December (saving a suspension of eighteen months occasioned by his falling into the hands of the Enemy when Fort William Henry was taken, and by which he sustained a very heavy Loss) He humbly hopes he may be favoured in the Purchase.

[Read and]

Voted and

Resolv'd that the prayer of the petition of Joseph Frye Esq^r be so far granted as that he have liberty to lay out a township of the contents of six miles Square in some place on either side of Saco river, between the river call'd Great Ossape, and the mountains above Pigwacket, and to make his pitch within said limits, where it may not interfere with any former grants and that he return a plan of the same in six months after the first day of March instant if the General Court be then sitting, or at the first time of their sitting after, to have it confirm'd, and that he also do give bond with sufficient security to the Province Treasurer, or to his successor, to settle the same with Sixty good familys, each of which in the term of five years from the grant to have built a good house of twenty feet by eighteen and seven feet stud, and have clear'd for pasturage or tillage. seven Acres each, and that they also, out of the premises grant one sixty fourth part to the first ordain'd protestant minister, One sixty fourth part for the use of a parsonage forever One sixty fourth part for the Use of Harv^d College in Cambridge forever and One other sixty fourth part for the use of a School forever within the said town, and further that the said Joseph Frye give bond with sufficient security to the Treasurer to pay to him or his successor for the use of the Province One Hundred pounds Lawful money within twelve months from the date of the confirmation of the grant, and that the said Town shall within ten years have a protestant minister settled among them. [*Passed March 3.*]

Legislative
Records of the
Council, xxiv.,
306. Mass.
Archives,
cxvii., 751.

Mass.
Archives,
cxvii., 750.
House Jour-
nal, pp. 126, 209,
286. Province
Laws, v., 666,
note.

CHAPTER 405.

VOTE CONFIRMING SALES OF LAND IN FALL TOWN FOR TAXES AND
CHARGES.

Legislative
Records of the
Council, xxiv.,
307.

House Jour-
nal, p. 287.
Province
Laws, iv., 441,
note.

A PETITION of John Severance and others Assessors for the Proprietors of Fall Town Setting forth That in consequence of their Appointment they made several Assessments on the Proprietors aforesaid viz^t one tax of four shillings on each right or share, one other Tax of £31.13.4 to be proportioned on the whole, and one other tax of two pence one farthing upon each acre laid out in said Fall Town; and nothing remained but the Sale of the Delinquents Lands when the Law by which they made their Assessments expired viz^t at the end of the Sessions in May last, That they had however proceeded to make Sale of the Lands of the Delinquents in September last. And Praying that the said Act may be revived and their Sale confirmed.

[Read and]

Voted That the Prayer of the Petition be so far granted as that the several Sales of Land made by the Assessors within mentioned shall be confirmed to all intents and purposes, Provided that the Proprietors and Owners of the Lands so sold do not within three months from this time pay the taxes and charges due respectively from them, and that the said Assessors give notice thereof in all the several public Prints. [*Passed March 3.*]

CHAPTER 406.

ORDER APPOINTING A COMMITTEE TO RECEIVE RELEASES FROM THE
HEIRS OF BRIG^s GENERAL SAMUEL WALDO OF CLAIMS TO LANDS
EAST OF PENOBSCOT RIVER, AND TO PREPARE A FORM OF A GRANT
TO THEM OF LAND ON WEST SIDE OF PENOBSCOT RIVER.

Legislative
Records of the
Council, xxiv.,
308. Mass.
Archives,
cxvii., 831.

House Jour-
nal, p. 287.
Ante, p. 163,
chap. 385.

In the House of Represent^{tes}
Ordered That Gen^l Winslow and John Brown Esq^r with such as the Hon^{ble} Board shall appoint be a Committee to receive the Release of the Representatives of Bigad^r Waldo Dec^d (& Others if any there be claiming with Them) of their right or Claim to any Lands East of Penobscott River by Virtue of the Patent made to Beachamp & Leverett and to prepare the form of a Grant to them to be passed by the General Court of a Tract of Land of six Miles in Breadth at the Head of the Same Patent on the West Side of the s^d River agreeable to the Vote of this Court of the 25th of February last provided s^d Six Miles of Land do not interfere with any former Grant The Committee to report.

In Council Read and Concurred, and the hon^{le} Tho^s Hutchinson Esq^r is joined in the Affair. [*Passed March 3.*]

CHAPTER 407.

RESOLVE IN REGARD TO THE TWELVE TOWNSHIPS GRANTED BETWEEN
THE PENOBSCOT AND ST. CROIX RIVERS.

WHEREAS this Court at their Present Sessions have Granted Twelve Townships of Land Lying between the Rivers of Penobscot and St Croix to Divers Petitioners on Certain Conditions therein Expresed referance thereto being had, and whereas s^d Towns are to be Laid out as Contiguous as may be, which method is most Likely to be beneficial as well to the Province as to the Petitioners

Therefore

Resolved that the s^d Petitioners in Laying out s^d Towns. begin at the mouth of the River Penobscot, and to Extend their water Line Either on the s^d River or Bay of Penobscot til they run out their Extent, And that the Six Towns Granted Marsh & others be Lade together and that the other Six Towns be adjoining and when the mater is So Settled to be Desided by Lot And to Prevent any Difficulties or Disputes; that may arise Between the Petitioners, as well as that Justice may be done to the Province in Runing the Lines, there. be Some Suitable Person Skiled in those matters appointed by the Court, (to be paid by the Petitioners according to their Interests, Reckoned as Townships) whose Duty shall be to Inspect the Several Surveyors Laying out the various Townships and to Deside all Controverseys that may arise respecting their Lines as well as those between the Province & them, which Person So appointed, Shall on or Before the middle of June next repair to the spot, and attend that Duty, and in Case Any of the Petitioners should neglect to appear at that time Such Delinquets to Lose their Chances by Lot and those on the Spots to Lay out their Towns and make their Pitch

The person to be appointed as aforesaid giving seasonable Notice to the Petitioners in the Boston News Papers of the time and place when and where they may meet. [*Passed March 3.*]

Legislative
Records of the
Council, xxiv.,
308. Mass.
Archives,
cxvii., 811.

House Jour-
nal, pp. 285, 286.
Ante, pp. 169-
174, chaps. 399-
405. *Post*,
p. 191, chap.
439.

CHAPTER 408.

RESOLVE EXEMPTING THE SOLDIERS WHO SERVED UNDER GENERAL
AMHERST FROM FURTHER SERVICE, AND DESIRING THE CAPTAIN
GENERAL TO GIVE ORDERS FOR THE INLISTMENT OF 2,000 MEN
AND ESTABLISHING THE WAGES, BOUNTY, &c., FOR THE SAME.

Resolved, That the Men raised and sent into the Service the last Year, under the Command of General Amherst, and that have been dismissed and allowed to come Home, be not compelled to go into the Service again.

That the Captain General be desired to raise Two Thousand Men of this Province by Inlistment only, (in addition to the Six Hundred now in Service, and in the Pay of this Province) including officers, to be put under the Command of his Excellency General Amherst, to supply the Places of such Part of the regular Forces in america, as shall be drawn out of the several Forts and Garrisons to be employed in some important Enterprise, upon the General's giving Assurance that they shall not be employed Southward of Albany,

Legislative
Records of the
Council, xxiv.,
309. Mass.
Archives,
lxxx., 140.

House Jour-
nal, pp. 287, 288,
289. Province
Laws, xvi., 721,
chap. 356.

and be discharged on the last Day of October next: And if a Peace takes Place between England and France before that Time, that they be immediately discharged after such Peace.

That, as an Encouragement for said men to enlist between this and the twentieth of April next, they shall receive Seven Pounds each, upon their passing Muster, and a Blanket as soon as they are ready to march.

That the Captain General be desired to form the said Two Thousand Men into two Regiments, each Regiment to consist of Ten Companies, of one Hundred Men to each Company including Officers.

That there shall be paid to no higher Provincial Officer than a Colonel, that shall be appointed to Command the said Two Thousand Men, or any Part of them, one of which Denomination is desired to be appointed to each Regiment; also a Lieutenant Colonel, a Major, an Adjutant and Quarter Master; the adjutants and Quarter Masters shall do Duty as Lieutenants in some of the Captains Companies.

That there shall be paid only four Commission Officers to one Hundred men Viz^t a Captain, two Lieutenants, and an Ensign.

That there shall be paid but one Drummer to a Company.

That there shall be allowed Pay but for one Surgeon to a Regiment, and one Surgeon's Mate.

That the following Establishment be made for the Officers and Men, that may be employed as aforesaid, Viz^t

For a Colonel to each Regiment consisting of not less than a Thousand men including Officers p ^r month	£20. 0. 0
For one Lieutenant Colonel for such Regiment	13. 0. 0
For one Major for Ditto	10. 10. 0
For a Captain of 100 Men, including Officers	9. 0. 0
For two Lieutenants for each Company, each	5. 0. 0
For one Ensign for Do	3. 10. 0
For one Adjutant for each Regiment besides Lieutenant's Pay	3. 0. 0
For one Quarter master for each Regiment besides Lieutenant's Pay	2. 0. 0
For one Surgeon to each Regiment	10. 0. 0
For one Surgeon's Mate to Ditto	5. 6. 8
For each Sergeant	1. 18. 7
For each Drummer	1. 18. 7
For each Private	1. 16. 6

That the said Establishment shall continue until the last Day of October next, if the War between England and France shall continue so long; and if a Peace takes Place before that Time, said Establishment to be at an End.

That the Money for said Bounty shall be put into the Hands of the Militia Colonels, upon their giving Bond with Sureties, to be accountable for the same; and in Case of any Neglect, that the Governour be desired to appoint some other Person in the Regiment of Militia to receive and pay such Bounty Money, they giving the like Security as is required of the Colonels; and one per Cent shall be allowed for receiving and paying out said Bounty Money, and no more.

That a Recruiting Officer shall be allowed six Shillings for each Man he shall enlist, and that passes muster.

That no Minor or Servant that shall proceed in the above Service, shall be allowed to take more than one half of his Wages of any Person or Persons who may be appointed to supply the above Forces.

That all these Things shall be on this Condition only, Viz^t That the Soldiers aforesaid, that were dismissed and sent Home as aforesaid, be not called for, to go into the Service again. [*Passed March 4.*]

CHAPTER 409.

VOTE IN REGARD TO THE PAY, SUBSISTENCE AND EQUIPMENT OF SOLDIERS.

Voted That the Pay of the non commission Officers and Privates raised by the Government the present year commence from the day of their attestation: and that said non commission Officers and Soldiers be allowed and paid by this Government two pence Sterling *p* day for his subsistence from the time of the commencement of their wages until they shall receive the Kings Provision.

And the Commissary General is also directed to provide for each of said Soldiers one Haversack and one wooden bottle containing about three pints, also a large Hatchet to every ten men, and a tin kettle containing about two gallons to every six Men in each of said Regiments. [*Passed March 4.*]

Legislative
Records of the
Council, xxiv.,
311.

House Jour-
nal, p. 289.

CHAPTER 410.

RESOLVE AND ORDER INCREASING THE PAY OF MEMBERS OF THE ASSEMBLY.

In the House of Represent^{es}

*Resolved &
Ordered*

That in Consideration of the Extraordinary Expence to which the Members of this Assembly are Subjected in their Attendance on the present Session of this Court that their pay should be increased And That there be allowed to the Members of his Majestys Council for their Attendance the Sum of Six Shillings & four pence *p* Day & to the Members of this House the Sum of Five Shillings *p* Day for their Attendance & that the Rolls be made up accordingly

In Council Read and Concurred. [*Passed March 5.*]

Legislative
Records of the
Council, xxiv.,
312. Mass.
Archives, 1,
164.

House Jour-
nal, p. 291.

CHAPTER 411.

ORDER ALLOWING £233 TO HARRISON GRAY.

A MEMORIAL of Harrison Gray Treasurer and Receiver General of the Province Setting forth his extraordinary Services in issuing his Notes for £210,596.19.10 in paying off 6,000 Soldiers who served under General Amherst in receiving and paying out £73,860.13.6 a Parliamentary Grant remitted from England, in paying the Bounty money to the Militia Colonels to the Amount of £25,000 and in hiring Clerks to assist him, his own great Fatigue in the business and the risque he run of making mistakes to his own prejudice, And Praying an Allowance.

Read and

Ordered that the Sum of two hundred and thirty three pounds be granted out of the publick Treasury to the Memorialist in full for his extraordinary services within mentioned. [*Passed March 5.*]

Legislative
Records of the
Council, xxiv.,
312. Mass.
Archives, civ.,
186.

Mass.
Archives, civ.,
184. House
Journal,
pp. 282, 291.
Ante, p. 153,
chap. 367.

CHAPTER 412.

ORDER ALLOWING £64 TO A. OLIVER, ESQ^r.

Legislative
Records of the
Council, xxiv.,
313. Mass.
Archives, I.,
159.

Mass.
Archives, I.,
158. House
Journal,
pp. 282, 293.
Ante, p. 158,
chap. 366.

A MEMORIAL of Andrew Oliver Esq^r Secretary of the Province Setting forth That the Grant made him this Session for his extraordinary Service falls short of what it has usually been for many years past; and that he hath not taken any Fees on the Soldiers Petitions passed on by the Court the last year, altho' he was by Law intituled thereto, the Court having been wont to make him an Allowance on that account. And Praying their consideration of these matters.

Read and

Ordered that the Sum of Sixty four pounds be granted and allowed to be paid out of the publick Treasury to the Memorialist in consideration of his extraordinary Services within mentioned in full. [*Passed March 5.*]

CHAPTER 413.

RESOLVE ALLOWING £150 TO THOMAS HUBBARD.

Legislative
Records of the
Council, xxiv.,
313. Mass.
Archives,
lxxx., 143.

House Jour-
nal, p. 262.

Resolved that there be granted and paid out of the publick Treasury to the Hon^{ble} Thomas Hubbard Esq^r Commissary Gen^l the Sum of One hundred and fifty pounds for one year's Service ending the 24th day of February last. [*Passed March 5.*]

CHAPTER 414.

ORDER ALLOWING 18/ EACH TO SETH PITTS AND ICHABOD WADE.

Legislative
Records of the
Council, xxiv.,
313. Mass.
Archives,
lxxx., 144.

House Jour-
nal, p. 293.

A PETITION of James Williams Esq^r in behalf of Joseph Williams, Seth Pitts and Ichabod Wade, Soldiers in the Pay of the Province in Cap^t Philip Walkers Company Praying an Allowance for their subsisting themselves on their return home.

Read and in answer

Ordered that the sum of eighteen Shillings be paid out of the publick Treasury to Seth Pitts and eighteen Shillings to Ichabod Wade in full The said Sums to be paid to James Williams Esq^r for their Use. [*Passed March 5.*]

CHAPTER 415.

ORDER ALLOWING £3. 12 TO ELI FORBES.

Legislative
Records of the
Council, xxlv.,
314. Mass.
Archives, xlv.,
222.

A PETITION of Eli Forbes of Brookfield Setting forth That in the Year 1759 He was appointed Chaplain to two Battalions of this Province under Brigadier Ruggles; that during the greater part of the Campaign the said Battalions were posted at different Stations

from 3 to 15 miles distance notwithstanding which he never failed ministering to each sometimes to one in the morning and to the other in the evening; and in the close of the Campaign he with M^r Brainard, another Chaplain, had 400 Invalids committed to their charge and ordered to march to Albany with them and to serve both as Chaplains and Officers to them, which march was both tedious and expensive to him. And Praying an Allowance.

Read and

Ordered that the Sum of three pounds twelve Shillings be allowed and paid out of the publick Treasury to the Pet^r in full for his Services mentioned. [*Passed March 5.*¹]

Mass.
Archives, xiv.,
221. Executive
Records of the
Council, xv.,
110. House
Journal, pp. 15,
218.

CHAPTER 416.

ORDER ALLOWING 36/ TO JOHN COOK.

A PETITION of John Cook Setting forth that in the Year 1758, He was employed by Cap^t Jonathan Brown in transporting the Baggage of the Company then under his Command and in the Pay of the Province thirty six miles; And Praying an Allowance.

Read and

Ordered that the sum of thirty six shillings be paid out of the publick Treasury to M^r Dan^l Whitney for the Use of the Pet^r in full. [*Passed March 5.*]

Legislative
Records of the
Council, xxiv.,
314. Mass.
Archives,
lxxx., 129.

House Jour-
nal, p. 292.

CHAPTER 417.

ORDER ALLOWING ONE MONTH'S ADDITIONAL WAGES TO THE SOLDIERS OF CAPT. GILES HARRIS' COMPANY.

A PETITION of Nathanael Martin and twenty six Others Soldiers in the Pay of the Province under Cap^t Giles Harris Setting forth That they were shipwrecked in their Passage from Halifax to Boston, and by reason of the severity of the weather many of them were frozen, and in general so impaired in their health as to be rendered unfit to apply themselves at present to their particular Callings to earn their Support. And Praying an Allowance.

Read and

Ordered that the the² addition of one Month's Wages be allowed the Petitioners in consideration of their sufferings within mentioned. [*Passed March 6.*]

Legislative
Records of the
Council, xxiv.,
316. Mass.
Archives,
lxxvi., 232.

Mass.
Archives,
lxvi., 231.
House Jour-
nal, p. 295.

CHAPTER 418.

VOTE INCREASING THE PAY OF ENSIGNS.

WHEREAS it appears to this Court that the pay of the Ensigns in the service of the Province the last year was set at Three pounds

Legislative
Records of the
Council, xxiv.,

¹ Mass. Archives under this same date adds the following, "Read and Reconsidered and *Ordered* that this Petition lye for further consideration." But according to Executive Records of the Council, xv., 110, a warrant was issued for the payment of £3. 12 to Eli Forbes, under date of March 6, 1762.

² *Sic.*

317. Mass. Archives, lxxx., 146. House Journal, p. 291. Province Laws, xvi., 721, chap. 356. *Ante*, p. 177, chap. 408.

¶ month which is 10/ ¶ month lower than the present, or former, establishment & is supposed to be by mistake

Therefore

Voted That the pay of the said Ensigns who served in the last Campaign be at £3.10 ¶ month & that it be accordingly so made up in the Muster Rolles. [*Passed March 6.*]

CHAPTER 419.

RESOLVE IMPOWERING NATH^L HARRINGTON, GUARDIAN, TO RELEASE MINORS' TITLE TO AN ESTATE.

Legislative Records of the Council, xxiv., 317.

House Journal, pp. 179, 180. *Ante*, p. 95, chap. 222.

THE HOUSE took into consideration the Resolve of this Court [*ante*, p. 95, chap. 222] on the Petition of Nathanael Harrington of Watertown: and it being suggested that the Power therein granted is insufficient by reason that some persons are Tenants in possession of some of the Lands of the said Uriah Clarke, and the said Resolve enables the said Harrington only to release and convey the Infants title in the said Estate to the said John Kimball.

Resolved that the said Nathanael Harrington be and hereby is impowered fully to release and convey the said Infants title to the Estate of the said Uriah Clarke deceased to all persons who are in possession of any part thereof; and such Release and conveyance made by the said Nathanael Harrington pursuant to this Power shall bind the said Infants as fully as if they were of full Age and executed it themselves in person.¹ [*Passed March 6.*]

CHAPTER 420.

RESOLVE ALLOWING 20/ ADDITIONAL BOUNTY FOR APPREHENDING DESERTERS.

Legislative Records of the Council, xxiv., 317. Mass. Archives, lxxx., 145.

House Journal, p. 296. Province Laws, li., 262, chap. 11.

Resolved That their be an Additionall Bountty of twenty Shillings to the Bounty of forty Shillings already allowed by Law as a Reward for apprehending & taking up of any Person that hath Inlisted in to the Provinciall Service & have Deserted the Same or Shall Hereafter Inlist in to the Provinciall Service & Desert. The Same to be paid by the Deserter; in the Same manner as is Provided by Law for the payment of the forty shillings Bounty aforesaid. [*Passed March 6.*]

CHAPTER 421.

VOTE APPOINTING A COMMITTEE TO RECEIVE BONDS OF PETITIONERS FOR THE TWELVE TOWNSHIPS GRANTED BETWEEN PENOBSCOT AND ST. CROIX RIVERS, ETC.

Legislative Records of the Council, xxiv., 318.

IN THE HOUSE OF REPRESENTATIVES Whereas this Court at their present Sessions in granting the twelve Townships to divers Petitioners therein named, which Lands are lying between the Rivers

¹ Not found in the House Journal.

of Penobscot and St Croix determined that a Committee should be appointed to take bonds of the sundry Petitioners payable to the Treasurer and his Successors in that Office for the use of the Province in the penalty of Fifty pounds that they respectively perform the terms mentioned in the Grant on which they are to hold said Lands, which Committee are also empowered in case any of those Subscribers for those Lands are removed or shall refuse or neglect to give bonds as aforesaid, to admit of others in the room of such Persons 'till they fill up the number of Sixty to each Town. Therefore

Mass. Archives, cxvii., 818. House Journal, p. 296. *Ante*, pp. 169–174, chaps. 399–403.

Voted That the Persons herein after named with such as shall be joined by the honourable Board be the Committee for carrying these matters into execution viz^t

For the Six Towns petitioned for by Marsh and Others

Richard Saltonstall Esq^r Benjamin Milliken Esq^r

For the petitioners that dwell in the Town of Falmouth and places adjacent. Jeremiah Powell Esq^r Edward Milliken Esq^r

For those in and near York

John Bradbury Esq^r Benjamin Chadburne Esq^r

For those in and near Duxborough

Capt Briggs Alden, Cap^t Robert Bradford.

And that the charge of the Committee be paid by the Petitioners, and that they make report to this Court as soon as may be.

In Council Read and Concurred, and Nathanael Sparhawk Esq^r is joined to the Committee for the six Towns petitioned for by marsh and Others, for those petitioned for by the Town of Falmouth and places adjacent and for those in and near York; and that Gamaliel Bradford Esq^r be joined for the Town petitioned for by Inhabitants of and near Duxborough. [*Passed March 6.*]

CHAPTER 422.

VOTE IN REGARD TO BOUNTY IN HANDS OF MILITIA COLONELS.

WHEREAS several Colonels of the Militia into whose hands the bounty money for enlisting men was put the last year have not rendered an account of the disposition thereof or have not paid into the Treasury the balance remaining in their hands, therefore

Legislative Records of the Council, xxiv., 318. Mass. Archives, lxxx., 147.

Voted that no Colonel of the Militia who shall not have accounted for and discharged himself of the Sums receiv'd the last year for payment of bounty, before the time for issuing the mony for payment of bounty the present year, shall be allowed to receive such mony but the same shall be put into the hands of the Lieutenant Colonels or Majors in like manner as if such Colonels had neglected or refused to receive the same. And it is further

House Journal, p. 295. Province Laws, xvi., 721, chap. 356.

Ordered that the Treasurer put in suit the bonds of all such Colonels who shall not render an account of the sums received as aforesaid and pay into the Treasury the balances respectively due from them before the first day of May next. [*Passed March 6.*]

CHAPTER 423.

VOTE ACCEPTING REPORT OF COMMITTEE ON FORM OF A GRANT TO HEIRS OF BRIG^s GEN. SAMUEL WALDO.

Legislative
Records of the
Council, xxiv.,
319. Mass.
Archives,
cxvii., 833.

Mass.
Archives,
cxvii., 831.
Ante, p. 168,
chap. 396;
p. 176, chap.
406.

THE COMMITTEE appointed the 3^d Instant to prepare the form of a grant to Brigadier Waldo's Heirs, and to receive a Release from them made the following Report viz^t

The Committee have prepared the form of a Release or Quitclaim which is herewith humbly offered. The Committee further report that they are of opinion that the form of the Grant to be made by the Province be the same with that of the Grant of Mount Desart to his Excellency the Governor, mutatis mutandis, all which is humbly submitted.

T: HUTCHINSON p order.¹

Read and Accepted. [*Passed March 6.*]

CHAPTER 424.

RESOLVE THAT THE GOVERNOR BE DESIRED TO PUT THE PROVINCE SHIP KING GEORGE IN COMMISSION AND ESTABLISHING THE WAGES OF OFFICERS AND MEN THEREFOR.

Legislative
Records of the
Council, xxiv.,
319.

Mass.
Archives,
lxvi., 195.
House Jour-
nal, pp. 293, 294,
295. *Ante*,
p. 22, chap. 44.

Resolved, That his Excellency the Governor be desired to put his Majesty's Ship King George (belonging to this Province) into Commission and to order her to Sea for the protection of the Trade.

And also

Resolved That the Establishment of the Wages of the Officers and men be as follows viz^t

For a Captain Ten pounds	£ month
For a Lieutenant Six pounds five shillings	ditto
For a Master Five pounds	ditto
For a Boatswain Three pounds fifteen shillings	ditto
For a Gunner Three pounds fifteen shillings	ditto
For a Carpenter Three pounds fifteen shillings	ditto
For a Pilot Five pounds	ditto
For a Masters Mate Three pounds fifteen shillings	ditto
For an Armourer Three pounds seventeen ^s shillings & 6 ^d	ditto
For a Sailmaker Three pounds Two shillings & sixpence	ditto
For a Coxswain Three pounds Two shillings & sixpence	ditto
For a Boatswains Mate Two pounds sixteen shillings	ditto
For a Quarter Master Two pounds sixteen shillings	ditto
For a Chaplain Four pounds seven shillings & six pence	ditto
For a Surgeon Eight pounds	ditto
For a Surgeons Mate Three pounds fifteen shillings	ditto
For a Steward Two pounds sixteen shillings	ditto
For 123 Private men Two pounds 13/4 each	ditto

And that this Establishment continue until the first day of October next unless a Peace takes place sooner: then to cease as soon as the Ship arrives in Port and is secured: And that the Pay of the Officers and Men commence from the day that they respectively enter on board said Ship, and that there be advanced and paid by the Treasurer of this Province one months Pay to each Officer and Private before the sailing of said Ship. [*Passed March 6.*]

¹ Not found in the House Journal.

² The House Journal, p. 294, reads, "*two Shillings.*"

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FOURTEENTH DAY OF APRIL, A.D. 1762.

CHAPTER 425.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF CUMBERLAND
AND ALLOWING 40/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee, China ware &c^a in the County of Cumberland for the year 1762 made report that they had sold the same to M^r Richard Codman for the sum of Two hundred and Seventy Dollars and taken Bond with Sureties for the same; they likewise presented their Account of charge amounting to Two pounds.

Legislative
Records of the
Council, xxiv.,
334.

House Jour-
nal, p. 304.
Ante, p. 61,
chap. 147.

Read and Accepted, and

Ordered that the sum of forty shillings be allowed and paid out of the Public Treasury to the Committee for their Service & expence in this Affair. [*Passed April 16.*]

CHAPTER 426.

VOTE ALLOWING 32/ TO FRANCIS CROSBY.

A PETITION of Francis Crosby of Billerica Setting forth That his son Francis was a Soldier in the Pay of the Province in the Crown Point Expedition 1758, and carried a Gun belonging to the Petitioner, that while he lay sick of a Fever his said Gun and Cloaths were Stole. Praying an Allowance for the same.

Legislative
Records of the
Council, xxiv.,
335. Mass.
Archives,
lxxx., 139.

[Read and]

Voted that y^e Sum of Thirty Two Shillings be paid out of y^e publick Treasury to Cap^t Enoch Kider in full: for y^e vse of y^e petitionour. [*Passed April 16.*]

Mass.
Archives,
lxxx., 139.
House Jour-
nal, p. 305.

CHAPTER 427.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £76,786. 6. 3.

THE COMMITTEE appointed to repair to the Treasury take an Account of the Government Securities that he has redeemed and see them burnt to Ashes, have attended that Service and have received of the Treasurer Government Securities payable in June

Legislative
Records of the
Council, xxiv.,
335. Mass.
Archives, civ.,
190.

Mass.
Archives, civ.,
189. House
Journal, p. 307.
Ante, p. 14,
chap. 22.

1760 to the Amount of One Thousand two hundred and fifty three pounds, seven shillings and seven pence which with the Interest of One hundred Ninety eight pounds eight shillings and one penny paid thereon Amounts to fourteen hundred Fifty one pounds fifteen shillings and eight pence, Also Government Securities payable in June 1761, amounting to Nine Thousand Eight hundred and fifteen pounds eighteen shillings and seven pence which with the Interest of Nine hundred ninety three pounds nineteen shillings and two pence paid thereon amounts to Ten Thousand eight hundred and nine pounds seventeen shillings and nine pence. also Government Securities that will become due in June 1762 to the Amount of Thirty four Thousand three hundred fifty seven pounds three shillings and sevenpence which with the Interest of Twenty four hundred and twenty three pounds, eight shillings and eleven pence paid thereon makes Thirty six Thousand Seven hundred and eighty pounds twelve shillings and ten pence. Also Government Securities that will be due in June 1763, Amounting to Seven Thousand and forty eight pounds, sixteen shillings and ten pence which with the Interest of Three hundred forty seven pounds eleven shillings and five pence paid thereon. amounts to Seven Thousand three hundred ninety six pounds, eight shillings and three pence, Also Government Securities that will become due in June 1764, amounting to Nine Thousand One hundred Twenty four pounds, fourteen shillings and threepence, which with the Interest paid thereon, Four hundred ninety two pounds nine shillings and eleven pence makes nine Thousand six hundred and seventeen pounds four shillings and two pence. Also with Government Securities that will be payable in June 1765, Amounting to Ten thousand One hundred Twenty nine pounds one shilling and five pence, which with the Interest of Six hundred and One pound six shillings and two pence paid thereon amounts to Ten thousand seven hundred and thirty pounds seven shillings and seven pence, all which Securities make Seventy six Thousand seven hundred and Eighty six pounds six shillings and three pence which we have seen Burnt and Consumed to Ashes.

(Signed) J OSBORNE by Order

Read and accepted and

Ordered that the Treasurer be discharged of the abovementioned Sums accordingly. [*Passed April 16.*]

CHAPTER 428.

ORDER GRANTING TO EDM. QUINCY LICENCE TO RETAIL WINE, CIDER AND BEER.

Legislative
Records of the
Council, xxiv.,
337. Mass.
Archives, cxx.,
411a.

Mass.
Archives, cxx.,
410. House
Journal, p. 305.

A MEMORIAL of Edmund Quincy Setting forth The¹ he has for eight or nine Years past applied himself chiefly to the general business of husbandry, and in the proper seasons specially attended the same, both in studying and experimenting the most probable Methods to promote the well curing and manufacturing the various kinds of Cider, Yearly produced in so great plenty within this Province, that he having had some success in the business before specified, some Months past removed with his Family to Boston, (into a House in said Town which had been licensed for many Years) in order to

¹ *Sic.*

settle himself, and among other things to prosecute the manufacture of Ciders, and engage in the retail of the same; Wines and Beer; Praying the Court of general Sessions of the Peace for the County of Suffolk may be empowered at their present Term to grant him a License.

Read &

Ordered that the Justices of the Generall sessions of the peace for the County of suffolk Be allowed at their present sessions to Grant the Petitioner a Lincence if they see cause to Retail Cyder Wine and Beer in the House He now inhabits he first obtaining approbation of the select Men of the town of Boston for that purpose the time for Granting Licences Being Elapsed Notwithstanding. [*Passed April 16.*]

CHAPTER 429.

ORDER IMPOWERING ELIJAH BRIGGS, ADM^r, TO SELL REAL ESTATE.

A PETITION of Elijah Briggs, Administrator on the Estate of Nehemiah Briggs late of Norton in the County of Bristol deceased Setting forth that the said deceaseds personal Estate is insufficient to pay his just debts and Charges of Administration by the sum of £108.5.4½. Praying he may be impowered to make Sale of the said deceaseds Real Estate lying in said Norton, to pay the same, and the Charges that may arise in settling said Estate.

Legislative
Records of the
Council, xxiv.,
337.

House Journal,
p. 306.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered that the Prayer of the Petition be Granted, and that the Petitioner be and he is hereby Impowered in his said Capacity to make Sale of said deceaseds Real Estate, and to make and Execute a good Deed or Deeds in the Law for conveying the same, he first giving notice of the time and place of such Sale as the Law directs and to Account with the Judge of Probate for the County of Bristol for his proceedings therein, and to give sufficient Caution to him accordingly. [*Passed April 16.*]

CHAPTER 430.

VOTE ALLOWING £3 TO LEONARD WILSON.

A PETITION of Leonard Wilson Setting forth That he was a Soldier in the Pay of the Province in the Canada Expedition 1758, and returned his Gun into the Commissary Generals store Notwithstanding which there was a stoppage made from his wages on account of the said Gun, And Praying an allowance,

Legislative
Records of the
Council, xxiv.,
338. Mass.
Archives,
lxxx., 168.

[Read and]

Voted That y^e sum of Three pounds be paid out of y^e publick Treasury to Oliver Fletch^r Esqr for y^e vse of y^e petitinour in full. [*Passed April 16.*]

Mass.
Archives,
lxxx., 168.
House Journal,
p. 305.
Province
Laws, xvi., 247,
chap. 89.

¹ *Sic*, it seems, for Fletcher.

CHAPTER 431.

ORDER GRANTING TO JEREMIAH EATTON LICENCE TO SELL SPIRITUOUS LIQUORS.

Legislative
Records of the
Council, xxiv.,
338. Mass.
Archives, cxx.,
412.

House Jour-
nal, p. 306.

A PETITION of Jeremiah¹ Eatton of Reading in the County of Middlesex Setting forth that he lives in the North Parish of said Reading, in which Parish Captain William Flint deceased heretofore obtained a Licence to sell Spirituous Liquors, Praying the General Sessions of the Peace for the said County may be impowered to Grant him a Licence (at their next Term) to sell Spirituous Liquors.

Read &

ordred that the Justices of the General Sessions of the Peace for the County of Middl^x be & here by are Impowered at their next Term to Grant unto Jeremiah Eaton of Reading a Licence as a Retailer in Said town. he first obtaining the approbation of the Select men of Said town. the term for Granting licence being Elapsed not with Standing. [*Passed April 16.*]

CHAPTER 432.

ORDER IMPOWERING ELIJAH PORTER, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
340.

House Jour-
nal, p. 310.

A PETITION of Elijah Porter, Guardian to Nathanael Porter a Minor of Seventeen Years of Age son of Nathanael Porter late of Topsfield deceased Setting forth that the said minor has in the Division of two thirds of his Fathers Estate between fifteen and Sixteen Acres of Land to the value of One hundred pounds Lawful money, for his part of the land, in the said two Thirds of said Estate, which lays a distance from the homstead and will by no means make a settlement, that the said minor has a very great desire to have a liberal Education, and can't be prevailed on to go to any Mechanick business, that what personal Estate he has, and what said Land will fetch will procure him a Liberal Education. Praying he may be Impowefed to sell the same

Read and

Ordered That the Petitioner in his Capacity of Guardian be impowered to make Sale of the Land mentioned for the most the same will fetch and to Execute a Good Deed thereof, giving sufficient Caution to the Judge of Probate for the County of Essex that the money arising by the said Sale shall be applied in the manner proposed for Educating the said Nathanael Porter at the College as mentioned in the Petition. [*Passed April 17.*]

¹ The House Journal, p. 306, reads, "*Jeremy.*"

CHAPTER 433.

VOTE GRANTING TO THO^s PARK LICENCE TO KEEP AN INN.

A PETITION of Thomas Park of Cambridge Setting forth That the Selectmen of Cambridge aforesaid being sensible the publick good required some further Provision should be made for Entertaining Travelers drovers &c on the Great Country Road leading from Watertown thro Cambridge to Brookline and so to Boston, approved of the Petitioners keeping a Tavern in his dwelling House in Cambridge, Praying the General Sessions of the Peace for the County of Middlesex may be empowered to Grant him a Licence for that purpose.

[Read and]

Voted That the Justices of the Court of general Sessions of the peace for the County of Middlesex at their Sessions to be held at Cambridge in said County on the third Tuesday of may next. be and they hereby are Impowered to Licence the Petitioner to keep a Tavern in the Town of Cambridge (if they think proper) he obtaining the approbation of the selectmen of s^d Town agreeable to Law. [*Passed April 17.*]

Legislative
Records of the
Council, xxiv.,
341. Mass.
Archives, cxi.,
525.

Mass.
Archives, cxi.,
524. House
Journal, p. 307.

CHAPTER 434.

VOTE ALLOWING £20 TO JONATHAN CARR.

A PETITION of Jonathan Carr Setting forth That he was a Soldier in the Pay of the Province in Cap^t Saxes Company in 1760. that before the Term of his Inlistment expired and while in Actual Service, he received a hurt in his Right Leg, for cure whereof he was sent to the Hospital where he took the small Pox, which settled in his said Leg, by means whereof he lost his said Right Leg Praying an allowance.

[Read and]

Voted that there be Granted Unto the Petitioner Jonathan Carr the Sum of twenty Pounds, forty Shillings thereof be paid by the Treasurer of this Province to the Petitioner, and Eighteen Pounds the Remaining Part of the S^d Twenty Pounds Be paid to the Rev^d m^r Eben^r Flagg minister of Cheshire in the Province of New Hampshire or His order to be by him Applied to the Best Advantage of the Petitioner from time to time as his Circumstances may Call for. [*Passed April 17.*]

Legislative
Records of the
Council, xxiv.,
341. Mass.
Archives,
lxxx., 155.

Mass.
Archives,
lxxx., 154.
House Jour-
nal, p. 311.

CHAPTER 435.

ORDER ALLOWING 16/8 TO JONⁿ PATCH, JR.

A PETITION of Jonathan Patch jun^r of Stow Setting forth That he was a Soldier in the Service of the Province in 1759 in Cap^t Abijah Halls Company and on his return home was taken sick and put to Expen^{ce} in getting home Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
342. Mass.
Archives,
lxxx., 120.

Mass.
Archives,
lxxx., 119.
House Jour-
nal, p. 312.

Read and

Ordered that the Sum of Sixteen Shillings and eight pence be paid out of the publick Treasury to Henry Gardner Esq^r for the Use of the Petitioner in full. [*Passed April 17.*]

CHAPTER 436.

ORDER ALLOWING £3 TO JOHN ROW.

Legislative
Records of the
Council, xxiv.,
342. Mass.
Archives,
lxxx., 169.
House Jour-
nal, p. 312.

A PETITION of John Row of Glocester Setting forth that his son Jabez Row a Minor served on board his Majesty's Ship Neptune commanded by Admiral Saunders in the Expedition against Canada in 1759 and on his return home was taken Sick that he was at great Expence for Doctors and Nurses Praying an Allowance.

Read and

Ordered that the sum of three pounds (exclusive of the Doctor's Bill) be paid out of the publick Treasury to Thomas Saunders Esq^r for the Use of the Pet^r in full. [*Passed April 17.*]

CHAPTER 437.

ORDER ALLOWING £4 TO AMBROSE HALE, JUN^r.

Legislative
Records of the
Council, xxiv.,
342.
House Jour-
nal, p. 312.

A PETITION of Ambrose Hale jun^r of Harvard Setting forth that he was a Soldier in Cap^t Hastings Company in the Year 1759. and while in the Service was taken Sick with the Camp Fever which put him to great Expence Praying an Allowance.

Read and

Ordered that the sum of four pounds be paid out of the Public Treasury to William Richardson Esq^r for the use of the Petitioner in full. [*Passed April 17.*]

CHAPTER 438.

ORDER ALLOWING £5. 11 TO ABIJAH PROCTOR.

Legislative
Records of the
Council, xxiv.,
342. Mass.
Archives,
lxxx., 170.
House Jour-
nal, p. 312.

A PETITION of Abijah Procter¹ of Westford Setting forth That he was a Soldier in Col^o John Whitecombs Regiment in the Year 1760, that in his return home from Crown Point he was taken sick with the Small Pox, which put him to expence and Charge Praying an Allowance.

Read and

Ordered that the sum of five pounds eleven Shillings be paid out of the publick Treasury to Cap^t Jonas Prescott for the Use of the Pet^r in full. [*Passed April 17.*]

¹ The House Journal, p. 312, reads, "Porter."

CHAPTER 439.

VOTE APPOINTING SAM^l LIVERMORE, ESQ^r, TO INSPECT THE SURVEYORS IN LAYING OUT SEVERAL TOWNSHIPS EAST OF PENOBSCOT RIVER.

Legislative Records of the Council, xxiv., 343. Mass. Archives, cxvii., 884.

THE TWO HOUSES pursuant to agreement proceeded to the Choice of a person to inspect the Surveyors in laying out the several Townships granted the last Session, Eastward of Penobscot River; when Samuel Livermore Esqr was chosen by a major part of the Votes of the two Houses. [*Passed April 17.*]

House Journal, pp. 265, 313. *Ante*, p. 177, chap. 407.

CHAPTER 440.

VOTE APPOINTING A COMMITTEE TO RUN THE BOUNDARY LINE BETWEEN THIS GOVERNMENT AND NOVA SCOTIA.

THE TWO HOUSES proceeded according to Agreement to choose two Gentlemen to join with Such as may be appointed by the Province of Nova Scotia to repair to the River S^t Croix to ascertain the Line between the two Provinces agreeable to the report of a Committee of this Court in February last when William Brattle and James Otis Esq^{rs} were chosen by a major Vote of the two Houses. [*Passed April 17.*]

Legislative Records of the Council, xxiv., 343. Mass. Archives, v., 466.

House Journal, pp. 312, 313. *Ante*, p. 163, chap. 385.

CHAPTER 441.

ORDER ALLOWING £8. 11 TO JN^o FOX.

A PETITION of John Fox of Littleton Setting forth That he was a Lieutenant in Cap^t Thomas Farringtons Company in 1761. and was by order of his Col^o left at N^o 4 to take care of the Invalids left there, that he was obliged to advance the money or give security, for the necessaries of Life for said Invalids otherwise they must have perished, which put him to considerable expence as appears by the Account Annexed to the Petition Praying an Allowance.

Legislative Records of the Council, xxiv., 343. Mass. Archives, lxxx., 156.

Mass. Archives, lxxx., 157. House Journal, pp. 306, 313.

Read and

Ordered that the Sum of eight pounds eleven Shill^{gs} be paid out of the publick Treasury to the Pet^r in full of his Account annexed.¹ [*Passed April 17.*]

CHAPTER 442.

ORDER SHIPPING ADDITIONAL MEN FOR PROVINCE SHIP KING GEORGE.

A PETITION of Benjamin Hallowell Commander of his Majesty's Ship King George belonging to this Province Setting forth That in the last Establishment for the said Ship there was Provision made for the Pay of only One hundred and twenty three Privates, which

Legislative Records of the Council, xxiv., 344. Mass. Archives, lxvii., 201.

¹ For the account see Mass. Archives, lxxx., 157.

Mass.
Archives,
lxvi., 200.
House Jour-
nal, p. 315.
Ante, p. 184,
chap. 424.

is ten less than the usual Number of Privates, a Compliment full short for the necessary manning and Fighting of the said Ship, and that the Protection of this Coast depends much upon the said Ships being well mann'd and fitted for its defence Praying an Addition may be made to the Number of Privates for said Ship.

Read and

Ordered that an addition of ten effective Men be made to the number of Privates already established for the Ship King George.
[*Passed April 19.*

CHAPTER 443.

RESOLVE ALLOWING £1. 11. 8 TO JOHN NOTTS.

Legislative
Records of the
Council, xxiv.,
346. Mass.
Archives,
lxxx., 153.

AN ACCOUNT presented of John Notts of Expences for a Soldier left Sick at Otter Creek in 1760, with an Order to pay it to Eldad Taylor.

[Read and]

Resolved that the Sum of one pound Eleven Shillings & Eight pence be paid by y^e Treasurer to Josiah Dwight Esq^r in order to Discharge y^e above account which he is to pay over to y^e above s^d Eldad Taylor Esq^r for y^e use of y^e s^d John Nott agreeable to y^e above order.¹ [*Passed April 20.*

CHAPTER 444.

VOTE GRANTING TO DAVID HOIT LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiv.,
346. Mass.
Archives, cxi.,
523.

A PETITION of David Hoit of Deerfield Setting forth That the present and only Innholder within four miles from the Settled part of the Town of Deerfield, has sold his place & is removing out of Town, and that he hath obtained the approbation of the Selectmen to be an Innholder in said Town Praying the Court of General Sessions of the Peace for the County of Hampshire may be impowered at their next Session to Grant him a License to be an Innholder

[Read and]

Voted that the Prayer of the Petition be granted and that the Court of General Sessions of the Peace to be holden at Springfield within & for the County of Hampshire on the first Tuesday of may next be and hereby are Impowered if they See Cause to grant a Licence to y^e Petitioner, he first Obtaining y^e Approbation of the Select Men of the Town of Deerfield for that Purpose according to Law. [*Passed April 20.*

¹ Not found in the House Journal.

Mass.
Archives, cxi.,
522. House
Journal, p. 317.

CHAPTER 445.

ORDER IMPOWERING RICH^d WAITE TO TRANSFER HIS LICENCE TO
SELL SPIRITUOUS LIQUORS.

A PETITION of Richard Waite of Plymouth in the County of Plymouth Setting forth That the Court of General Sessions of the Peace held at Plymouth aforesaid on the first Tuesday of July last Licensed him to be a Retailer of Spirituous Liquors in the House where he then dwelt, in said Plymouth for one Year, that he is moved into another House in said Town and so can't have the benefit of said License Praying he may be Enabled to Exercise his License in the House he now dwells in, in said Town.

Read and

Ordered that the Prayer of the Petition be granted, and the Petitioner be and hereby is Impowered to improve his License as a Retailer of Spirituous Liquors in the House where he now dwells in Plymouth as fully as by Law he was Impowered to do it in the House he has lately removed from, till the time for holding the Court of General Sessions of the Peace on the first Tuesday of July next in the County of Plymouth He first obtaining the Approbation of the Selectmen of Plymouth for that purpose. [*Passed April 20.*]

Legislative
Records of the
Council, xxiv.,
347.

House Jour-
nal, p. 316.

CHAPTER 446.

ORDER IMPOWERING ELIZABETH AND JOSEPH RICHARDS, ADM^{rs}, TO
SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

A PETITION of Elizabeth Richards Widow and Joseph Richards Yeoman Administrators of the Estate of Joseph Richards late of Dedham Esq^r deceased Intestate Setting forth That the debts due and owing from the said deceased amount to the sum of £251.5/ more than the whole of his personal Estate, that the Creditors are in great want of their money but the petitioners are not able to pay them without Selling part of the said deceaseds real Estate, and as the Superior Court is not held in the County of Suffolk 'till August next it will be difficult to prevail upon the Creditors to tarry till that time, Praying they may be impowered to make Sale of so much of the said deceaseds Real Estate as will be sufficient to satisfy the debts with contingent charges.

Read and

Ordered that the Petitioners in their capacity of Administrators on the Estate of Joseph Richards deceaseds be and they hereby are impowered to make sale of so much of the Real Estate of said deceased as shall be needful to pay his Just debts (and charges of Sale) and to give a good Deed or Deeds for conveying the same; they observing the directions of the Law for the sale of real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk, that the Money arising by said Sale be applied to the purposes in this Petition mentioned. [*Passed April 20.*]

Legislative
Records of the
Council, xxiv.,
348.

House Jour-
nal, pp. 315, 316.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 447.

Legislative
Records of the
Council, xxiv.,
349. Mass.
Archives, I.,
165.

House Jour-
nal, pp. 315, 318,
323.

VOTE DISMISSING WM. BOLLAN, ESQ, FROM THE PROVINCE AGENCY
AT THE COURT OF GREAT BRITAIN.

Voted

That William Bollan Esq^r Agent for this Province at the Court
of Great Britain be, and he hereby is now dismissed from his Agency
there and that the Secretary be directed to write him Accordingly.
[*Passed April 20.*

CHAPTER 448.

ORDER IMPOWERING SARAH HEWINS TO JOIN WITH HER HUSBAND
IN SELLING LANDS AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

Legislative
Records of the
Council, xxiv.,
350.

House Jour-
nal, p. 306.

A PETITION of Sarah Hewins, the Wife of Samuel Hewins of
Stoughton Physician Setting forth that she is owner of about
Sixty Acres of Land, lying in two separte pieces in the Town of
Weymouth and the Petitioner living in Stoughton with her Hus-
band, they find it very Impracticable to improve said Lands by
reason of its being so remote, the Petitioner apprehends it would
be much to her Advantage to sell said Lands but is incapable of
joining with her Husband in the Sale thereof by reason of her
being under the Age of twenty one Years Praying she may be
Authorized and impowered to Join with her Husband in the sale
of the aforesaid Lands.

Read and

Ordered that the Prayer of the Petition be granted and that the
Petitioner be and she is hereby impowered to Join with her Hus-
band in making Sale of the Lands mentioned in the Petition and
to make and Execute a Good Deed or Deeds in Law for Conveying
the same her said Husband first giving Security to the Judge of the
Probate of Wills for the County of Suffolk that the money which
shall arise on the Sale of said sixty Acres shall be for the use and
benefit of the heirs of the said Sarah Hewins, unless after her Arrival
at the Age of twenty one years she shall otherwise dispose of the
same. [*Passed April 20.*

CHAPTER 449.

ORDER IMPOWERING DANIEL BALDWIN AND AMITTY HIS WIFE, ADM^s,
TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

Legislative
Records of the
Council, xxiv.,
350.

A PETITION of Daniel Baldwin of Billerica and Amitty his Wife,
as she is Administratrix of the Estate of her former husband Ezekiel
Walker late of Billerica deceased Intestate Setting forth That the
said Ezekiel died Seized of a Certain Messuage and Tract of Land
containing about 114 Acres appraised at about £213 leaving
two surviving Children being Weakly and expensive to maintain,
and the Petitioner having lately made up her Accounts of Admin-

istration there is the sum of £101.10.7¾ that must be raised out of the Real Estate to discharge the debts due and owing from said Estate, that the selling a part of said Real Estate would greatly prejudice if not spoil the whole. Praying they may be impowered to sell the same.

Read and

Ordered that the Prayer of the Petition be granted and that the said Daniel Baldwin and Amitty his Wife hereby are Authorized and Impowered to make Sale of all the Real Estate of the said deceased for the most the same will fetch and to Execute a good Deed or Deeds of the same provided the said Daniel and Amitty observe the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the produce arising by the Sale thereof shall be disposed of for the paying the Just debts of the deceased, and the two thirds of the Remainder thereof with the Interest arising on the same the said Guardians to Account for with the said Minors as they respectively come of Age and the said Amitty to have the Interest of the other third during her Natural Life, and after the decease of the said Amitty the said Third to be divided amongst the heirs of the said deceased or their Legal Representatives in the same proportion as Real Estates Intestate are by Law settled.¹ [*Passed April 20.*]

CHAPTER 450.

ORDER IMPOWERING DEBORAH METCALF, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Deborah Metcalf Widow and Administratrix on the Estate of Joseph Metcalf late of Rutland District in the County of Worcester deceased. Setting forth That the Petitioners husband said Joseph left seven Children, three sons viz' Asa Nathan and Joseph and four Daughters viz' Deborah Sarah, Tabitha and Silence, and one small Farm containing about One hundred and forty seven Acres, Upland and Meadow, which is so situated that it cannot be divided or any part thereof taken off without Damage and Loss, and the said Asa is now of Age, and desires to have his part of his Fathers Estate, and within about two years another of the Children will come of Age and so onwards. Praying she may be inabled to sell the same.

[Read and]

Ordered that the prayer of this Petition be Granted and that the said Deborah be and hereby is Impowered (in her said Capacity) to make Sale of the whole of the said deceaseds Real Estate for the most the same will fetch and to Execute Deed or Deeds thereof, Provided the Petitioner observe the directions of the Law for the Sale of Real Estates by Executors & Administrators and give sufficient caution to the Judge of Probate for the County of Worcester that the moneys arising by said Sale be put out to Interest on Good Security, and one third of the Interest be to the Widow in Lieu of her Right of Dower or thirds in the premisses during her natural Life, and the other two thirds of the Interest be to the benefit of

Legislative
Records of the
Council, xxiv.,
351.

House Jour-
nal, pp. 310, 311.
Province
Laws, li., 151,
chap. 10.

¹ Not found in the House Journal.

the Children, and that each Childs proportion of the two thirds principal and Interest be paid them as they shall Respectively come of Age or Marriage and at the decease of the said Deborah each Childs Proportion of the other third shall be divided to and Among them or their Legal Representatives according to the directions of the Law. [*Passed April 21.*]

CHAPTER 451.

RESOLVE IMPOWERING AZUBAH ADAMS, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
352.

Province
Laws, ii., 151,
chap. 10.

A PETITION of Azubah Adams of Springfield in the County of Hampshire Widow, Relict and Administratrix of the Estate of Abraham Adams late of said Springfield Yeoman deceased Setting forth That the debts due from the Estate of the said deceased exceed the whole personal Estate the sum of One hundred and thirty nine pounds eight shillings and four pence one farthing, That the Real Estate of said Abraham was appraised at Two hundred twenty eight pounds ten shillings and consists of a small Farm with a Dwelling House and Barn &c^a that the same has for sundry Years past been Licensed as a Public Tavern, and is well situated for such a Purpose, if the whole might be sold together, and would probably Sell at a much better price and Consequently afford a much better Residue for the heirs if Sold together than if such part only should be sold as might be sufficient to pay the said debts. That the said Abraham died leaving five Children four of which are yet living and all Daughters the eldest fifteen Years old. Praying she may be empowered to make Sale of the whole of said deceaseds Real Estate

[Read and]

Resolved that the Prayer of this Petition be so far granted as that the Petitioner in her Capacity be and she hereby is empowered to make Sale of the Real Estate within mentioned for the most the same will fetch and to pass and Execute a good Deed or Deeds of the same to the Purchaser or Purchasers, she observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Hampshire to apply the money arising by the Sale in the following manner viz^t the said Petitioner to enjoy the Interest of one third thereof during Life in Lieu of her Dower in said Real Estate that the other two Thirds be applied for the payment of the deceaseds debts and what shall remain of said two thirds be divided according to Law among the Children of said deceased and at the Death of the Petitioner the said Third be divided in the like manner among the legal heirs that may then be.¹ [*Passed April 21.*]

¹ Not found in the House Journal.

CHAPTER 452.

ORDER ALLOWING £2. 18. 6 TO THE TOWN OF MEDFIELD.

A PETITION of Peter Coolidge Representative of the Town of medfield Setting forth That the Selectmen of the said Town sometime before the French Neutrals were distributed among the several Towns in the province, presented to the Governor and Council an Account of their Disbursements upon them amounting to fifty eight shillings odd pence, and that said Account was lost, Praying a reimbursment.

Read and

Orderd that the prayer of the Petn be granted and that the Sum within mentioned be paid out of the publick Treasury to Cap Peter Coolidge for the Use of the Town of Medfield accordingly.¹ [*Passed April 21.*]

Legislative
Records of the
Council, xxiv.,
353. Mass.
Archives,
xxiv., 478.

Mass.
Archives,
xxiv., 477.
Executive
Records of the
Council, xv.,
136.

CHAPTER 453.

RESOLVE IMPOWERING JEDIDIAH BLISS, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jedediah Bliss of Springfield in the County of Hampshire Administrator on the Estate of Jonathan Day late of said Springfield deceased Setting forth That the debts due from the said Jonathans Estate exceed the whole personal Estate of the said deceased (a small Allowance of Necessaries to the Widow included) the sum of Three hundred and Fifty one pounds four pence half penny, that the whole Real Estate of said deceased is appraised at Four hundred and Twenty two pounds two shillings and four pence, and is under the Incumbrance of two Dowers viz^t the Widow Horton's Mother of said deceased who has her Dower one third part thereof set off to her since the Appraisment thereof and the Widow Hannah Day Relict of said deceased who has her Right of Dower in one Third part of the Residue that no regard was had in the Appraisment to said Incumbrances as the Petitioner is informed but that the same was Appraised at its full Value, that most of the debts due from said Estate are upon Interest, and are thereby increased so that the Petitioner apprehends the whole Real Estate will not much more than pay the same. Praying he may be empowered in his said Capacity to make Sale of the same

Legislative
Records of the
Council, xxiv.,
353.

Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved that the Prayer of the Petition be granted and that the Petitioner (in his Capacity of Administrator) be and he hereby is empowered to make Sale of the whole Real Estate of the said Jonathan Day deceased for the most the same will fetch and to Execute one or more Deeds for Conveyance thereof; he first giving Notice of the time and place of Sale agreeable to the Law of this Province respecting Sale of Real Estates by Executors and Administrators, (reserving to the Widows aforesaid their Rights of Dower during their Natural lives) he also giving caution to the Judge of Probate for the County of Hampshire that the proceeds of such Sale be duly applied in the first place to discharge the deceaseds

¹ Not found in the House Journal.

just debts, and what remains, if any there be, be divided according to Law among the Children of the said deceased. [*Passed April 21.*]

CHAPTER 454.

RESOLVE ALLOWING £20 TO ROBERT SAUNDERS.

Legislative
Records of the
Council, xxiv.,
376. Mass.
Archives, civ.,
191.

House Jour-
nal, p. 321.

Resolved that the sum of twenty pounds be granted and Allowed out of the publick Treasury to Robert Saunders of Albany Esq^r as a Gratuity for his kind services to the Inhabitants of this Province the said Sum to be paid to the Commissary Gen^l for his Use. [*Passed April 21.*]

CHAPTER 455.

VOTE DIRECTING THE COMMITTEE APPOINTED TO SETTLE THE BOUNDARIES OF BIDDEFORD, SCARBOROUGH, &c., TO FIX THE BOUNDS OF THE TOWNSHIPS OF NEW MARBLEHEAD, NEW BOSTON AND NEW GLOUCESTER.

Legislative
Records of the
Council, xxiv.,
354.

House Jour-
nal, p. 320.
Province
Laws, iv., 627,
note. *Ante*,
p. 147, chap.
345.

Voted that the Committee Appointed by this Court at their last Session to run out the lines of the Towns of Biddeford Scarborough and Falmouth and to fix the bounds of the Township of Narraganset N^o 7 Narraganset N^o 1 and Pierson town be and they hereby are ordered and directed to fix the bounds of each of the Townships of New Marblehead; New Boston and New Gloucester; the Committee to observe the same directions as mentioned in the vote Appointing them a Com^{tee} as aforesaid The charges to be born as expressed in the same Vote. [*Passed April 21.*]

CHAPTER 456.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BARNSTABLE AND ALLOWING £1. 16 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
354. Mass.
Archives, cxx.,
413.

Mass.
Archives, cxx.,
413. House
Journal, p. 315.

THE COMMITTEE appointed to farm the Excise on Tea Coffee and China ware in the County of Barnstable for the Year 1762 made report that they had sold the same to M^r Isaac Hineckley for the sum of Fifty pounds eight shillings and taken bonds with Sureties for the same, they likewise presented their Account of charge amounting to One pound sixteen shillings.

In the House of Rep^{ves}

Read and Accepted and

Ordered that the Sum of One pound Sixteen Shillings be paid out of the publick Treasury to the Committee for their service and expence in the affair.

In Council Read and Concurrred provided this shall not be a precedent but that all reports of Committees of the two Houses shall for the future be first made at the Board. [*Passed April 21.*]

CHAPTER 457.

ORDER CONFIRMING 200 ACRES OF LAND TO ASA HILL.

A PLAN of Two hundred Acres of land laid out pursuant to a Grant of the Great and General Court in January 1759 to Mr Asa Hill of Shrewsbury as laid out the twenty seventh day of October 1761, by Samuel Messenger Surveyor, was presented for Allowance which Land is described as follows viz^t bounded North in part on a Six hundred Acre Grant that was granted to Mr John Farrar of Concord now belonging to Col^o Jones of Weston beginning at the South West corner of that Grant: which corner is a small Hard Maple Staddle, marked and stones about it standing on a Knowl or Hillock facing Northwestward and about two rods to the East of a small Brook that runs to the north about forty Rods and there meets a brook that comes from the South Eastward out of a Pond, then from said Corner it runs East 19 Degrees South fourteen chains Eighty five Links, thence South five Degrees thirty nine minits West twenty nine Chains ninety six Links, thence West Nineteen Degrees North eighty eight chains twenty six Links, thence North nineteen Degrees East Seventeen chains and forty two Links to the bounds began at.

Read and

Ordered that the lands herein delineated be and hereby are confirmed to the within named Asa Hill his heirs and Assignes Provided the Plan exceeds not the quantity of the Grant and does not interfere with any former Grant. [*Passed April 21.*]

Legislative
Records of the
Council, xxiv.,
353.

House Jour-
nal, p. 320.
Province
Laws, xvi., 249,
chap. 91.

CHAPTER 458.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO MARBLE-
HEAD BEACH.

A PETITION of the Town of Marblehead. (Signed) Robert Hooper jun^r Moderator Setting forth That in the year 1729 the General Court passed an Act for repairing and securing the Beach on the South west side of the Harbour of Marblehead, and granted a Sum not exceeding two thirds of Two thousand pounds to be paid out of the Public Treasury towards said Repairs. That the Trustees employed in this Service drew Five hundred pounds out of the Public Treasury and Two hundred and Fifty pounds out of the Town Treasury, with which sums they entered upon the business and disbursed the same, but the work not being effectually done, the late great Storm and High Tides have made several Breaches so that the Beach is in danger of being washed away and the Harbour destroyed. And Praying That they may have the residue of the Sum granted, or so much of it as shall be needed towards securing the Beach the Town agreeing to advance one third part of the money that shall be wanted. And further praying that other Trustees may be appointed for perfecting the Work.

The Committee appointed, on the Petition of Robert Hooper Esq^r to go to Marblehead and view the Beach there, having attended that Service, beg leave to report, that they find the Wall made for the

Legislative
Records of the
Council, xxiv.,
254, 353. Mass.
Archives,
cxvii., 790.

Mass.
Archives,
cxvii., 789.
Legislative
Records of the
Council, xxiv.,
340. House
Journal,
pp. 232, 245, 311,
321. Province
Laws, ii., 542,
chap. 5.

security of said Beach and the Harbour, in consequence of an Act of this Province passed in the third year of his late Majesties Reign intituled "An Act for the speedy and Effectual securing & repairing the Harbour of Marblehead in the County of Essex," is ineffectual therefor, it being in many places not finished and so low, that the Sea washes over it and in the late Storms has made several Breaches in it and that said Wall is not continued the whole length of said Beach, by means of which it is daily washed away & if not soon secured and repaired the Harbour is in danger of being destroyed. The Committee sensible of the great Importance of said Harbour to the Trade of this Province, are of Opinion that the said Wall and Beach be immediately repaired so as effectually to secure said Harbour agreeable to the true intent and meaning of the above-mentioned Act and that the sum of three hundred pounds be paid out of the Public Treasury for this purpose to Robert Hooper Esq^r and others, Trustees chosen and appointed by said Town of Marblehead, they conforming to said Act in disposing of and accounting for said Sum and said Town to be at one third part of the charge and expence of said Repairs.

Which is humbly submitted in the Name and by order of the
Com^{tee} RICH^d CUTT

Read and

Ordered that this report be accepted. [*Passed April 21.*]

CHAPTER 459.

RESOLVE DESIRING THE GOVERNOR TO RAISE 620 ADDITIONAL MEN,
ALSO RESOLVES IN REGARD TO PAY, BOUNTY, &c.

Legislative
Records of the
Council, xxiv.,
356. Mass.
Archives,
lxxx., 186.

THE HOUSE taking into Consideration his Excellency's Speech at the opening of this Sessions, and the several Letters accompanying the same:

Mass.
Archives,
lxxx., 183-189.
Legislative
Records of the
Council, xxiv.,
331, 333. House
Journal,
pp. 308, 309, 310.
Ante, p. 177,
chap. 408.

Resolved, That the Captain General be desired to raise six Hundred and twenty Men of this Province by Inlistment only (in addition to the two Thousand men agreed to be raised by this Court at their last Sessions, and also in addition to the six Hundred men who have been, and are now in the Pay of this Province, and under the General of his majesty's Forces during the last Winter, making three Thousand two Hundred and twenty men in the whole) including Officers, to be put under the Command of his Excellency General Amherst, to supply the Places of such Part of the Regular Forces in america as shall be drawn out of the several Forts and Garrisons, to be employed in some important Enterprize; the said six Hundred and twenty men to be raised on the same Conditions and Limitations, and on the same Bounty and Wages that the aforesaid two Thousand men were raised.

That the Captin General be desired to form the said three Thousand two Hundred and twenty men into three Regiments, each Regiment to consist of ten Companies, and each Company to be as equal for number of men as may be; and to be officered in the same manner, and the officers to receive the same Pay as is provided for the raising of the aforesaid two Thousand men by a Vote of this Court on the third Day of march last.

That the money for the Bounty of the six Hundred and twenty

Men, now to be raised, shall be put into the Hands of the militia Colonels upon their giving Bond with Sureties; to be accountable for the same; and in Case of any neglect, that the Governour be desired to appoint some other Person in the Regiment of militia to receive and pay such Bounty Money, they giving the like Security as is required of the Colonels; and one per Cent shall be allowed for receiving and paying out said Bounty money, and no more. That a Recruiting Officer shall be allowed six Shillings for each man he shall inlist, and that passes muster.

That no minor or Servant, that shall proceed in the above Service, shall be allowed to take more than one Half of his Wages of any Person or Persons who may be appointed to supply the above Forces.

Resolved, That the Pay of the non-Commission officers and Privates of said six Hundred and twenty men, commence from the Day of their attestation: and that said non-Commission officers and Soldiers be allowed and paid by this Government two Pence Sterling per Day each man for Subsistence, from the Time of the Commencement of their Wages, until they shall receive the King's Provision. And the Commissary General is directed to provide for each of said Soldiers one Haversack, and one wooden Bottle containing about three Pints; also a large Hatchet to every ten men, and a tin Kettle, containing about two Gallons to every six men of said six Hundred and twenty men.

Further

Resolved, That if any of the six Hundred men aforesaid, now in the Pay of this Province, whose Term of Inlistment will expire the first Day of July next, shall inlist anew 'till the last Day of October next, every one that shall so inlist shall receive a Bounty from this Government of Three Pounds ten Shillings.

Resolved, That there be a Bounty of seven Pounds granted by this Government to each able-bodied effective man between the Age of eighteen and Forty Years, not exceeding the number of eight Hundred and ninety three men, that shall (within the Term of two Years next by the officers to be appointed by his Excellency the Governour of this Province, agreeable to the Requisition of his Majesty signified by a Letter from the Right Honorable the Earl of Egremont of the twelfth of December last, and by another Letter from his Excellency Sir Jeffery amherst of the twenty first of February last) be inlisted within this Province to compleat his Majesty's Regular Regiments in america, to serve during the present War, or until said Regiments return to Europe.

And the said Bounty Shall be paid by the Treasurer of this Province, by warrant from the Governor with the Advise of the Council, to his Excellency he first certifying to them the number that shall have inlisted and passed Muster from time to Time, to enable him to pay the said Bounty to all that Shall inlist as aforesaid Further

Resolved that the Comissary General Be Directed to Provide Thirty Watch Coats for Each of the Three Regiments Before mentioned at the Charge of the Government. [*Passed April 21.*¹

¹ This chapter is taken from a new draft of the original vote passed the 16th. The date of this manuscript, also of Legislative Records of the Council, is April 21.

CHAPTER 460.

VOTE ALLOWING 30/ TO HANNAH WHITE.

Legislative
Records of the
Council, xxiv.,
358. Mass.
Archives,
lxxx., 151.

A PETITION of Hannah White Setting forth That her late husband Daniel White was a Soldier in Col^o Ruggles Regiment in 1759 and carried his own Gun which was lost Praying an allowance.

[Read and]

Mass.
Archives,
lxxx., 151.
House Journal,
p. 321.

Voted That y^e sum of Thirty shillings be paid out of y^e publick Treasury to Cap^t Solomon wood for y^e vse of y^e petitionour in full.
[*Passed April 21.*]

CHAPTER 461.

ORDER ALLOWING £1. 16 TO BENJ^A BOOTHBY.

Legislative
Records of the
Council, xxiv.,
359. Mass.
Archives,
lxxx., 76.

A PETITION of Benjamin Boothby Setting forth That he went as a Soldier in his Majesty's Service the last Year, and in comeing home from Halifax the Vessel in which he was on board was drove into Cape Cod where he was frozen, and that the expence he was at before he was able to Travel home amounted to £1. 8. 10 Praying an allowance.

Read and

Mass.
Archives,
lxxx., 75.
House Journal,
p. 320.

Ordered that the Sum of One pound Sixteen Shillings be paid to Joseph Sayer Esq^r out of the Treasury for the Use of the Pet^r in full.
[*Passed April 21.*]

CHAPTER 462.

ORDER TRANSFERRING APPROPRIATIONS.

Legislative
Records of the
Council, xxiv.,
359.

House Journal,
p. 321.
Province
Laws, iv., 427,
chap. 27; 461,
chap. 4.

Ordered that a Transfer of One Thousand pounds be made from the appropriation for the Indian Trade to the Appropriation for Armed Vessels. [*Passed April 21.*]

CHAPTER 463.

VOTES DIRECTING THE COMMISSARY GENERAL TO PROVIDE HOSPITAL STORES AND CHIRURGEONS TO RETURN UNUSED MEDICAL STORES.

Legislative
Records of the
Council, xxiv.,
359. Mass.
Archives,
lxxx., 182.

House Journal,
p. 322.

Voted That the Comisary General be directed to Provide Hospital Stores for Each Regiment to be raised for the Service of the Present year as follows: Viz Beds. Blankets & Pillows thirty seven of each; Sheets forty, Tin spout Cups thirty six, Claret Wine ten Gallons, Vinegar Six Barrils, Loaf Sugar fifty Weight, Brown Ditto one Barril, Molasses Two Barrils, oat meal Twelve Bushels, Indian meal fifty Bushels; Chocalate thirty Weight Coffee thirty weight soap one hundred weight. Candles fifty weight, Raisons three Casks. Butter Two Firkins. Two Jarrs of Sweet oyl Limejuice Ten Gallons Brandy Ten Gallons. Rum Two Barrils, Pewter Porringers Twelve,

Pewter Spoons Twelve. Tin Quart Pots Twelve Tin Sauce Pans. holding Two Quarts Each Six. Bed Pans Two & That he Provide a Doctors Chest not Exceeding one hundred Pounds in Value for Each Regiment to be put up in Such manner as the Comanding officer of Each Regiment Shall direct

Also

Voted that those Chirurgeons who shall be Employed in s^d Service be directed to return into y^e Comissary generals Stores at the End of y^e Campaign y^e Chirurgeons Chest. Medcines & Instruments which may be left and not used at y^e End of y^e Service, and that they do y^e Same before they receive their Wages out of y^e Treasury. [*Passed April 21.*]

CHAPTER 464.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF ANTHONY BRACKETT AND IMPOWERING JONATHAN HOAR TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Anthony Brackett for himself and on behalf of Jonathan Hoar Esq^r Setting forth, That on the 12th of November 1757 the Petitioner demised to the said Jonathan his Farm lying in Back Cove in Falmouth, and the said Jonathan being ejected brought his Writ of Ejectment against Josiah Noyes at the Inferior Court held at York in January 1758, at which Court the Verdict was against the Petitioner, whereupon he appealed to the Superior Court, at which Court the former Judgment was reversed; whereupon the said Josiah brought his Writ of review to the Superior Court held at York in June last and there Verdict was for the said Noyes, and the Judgment aforesaid upon the Appeal reversed, which he conceives ought not to have been for that the Opinion of the Court to the Jury was fully in favour of the Petitioners Right, that the Jury could have no view and so no idea of the place, the Trial being at York and the Land at Falmouth nor was there a Plan of the Place taken and laid before the Court and Jury although agreed upon by the Parties, but the said Noyes took advantage hereof, and brought three Witnesses, who swore there was no such Marsh as that described in the Writ, which the Petitioner could have proved by twenty Witnesses, had he not been thus surprized, And Praying that he may be enabled to review the said Action, and that the Parties may be enjoined to lay before the Court upon the Trial a Plan of the Premises.

The Committee to whom was referred the Petition of Anthony Brackett, in behalf of Jonathan Hoar praying that he might have Liberty to bring a Writ of Review at the next Superior Court to be holden at York on his Action against Josiah Noyes for the Recovery of a Farm in Falmouth have attended that Service heard the Parties, their Evidences and Pleas and it appearing to the Committee after the most carefull Inquiry that the Jury who tried the cause complained that they were misled by Evidence given in at the Close of the Trial with Respect to the place where the Farm lay and that the Action turn'd with some of them upon the misapprehensions aforesaid, they therefore are of opinion that the Petitioner have Liberty to bring forward the Review aforesaid at the next Superior Court of Judicature &c^a to be holden for the said

Legislative
Records of the
Council, xxiv.,
120, 360.

Legislative
Records of the
Council, xxiv.,
225, 278, 343, 349.
House Jour-
nal, pp. 135, 223,
269, 270, 311, 318.

County of York, and that the said Court be then impowered to hear and determine the Merits of the said Cause to give Judgment therein and award Execution thereupon.

(Signed) BENJ^A LINCOLN p Order

Read and Accepted and

Ordered That the said Jonathan Hoar in the said Petition mentioned be and he hereby is Authorized and impowered to bring a Writ of Review on said Action to the next Superior Court to be holden at York for the County of York and the Justices of the said Court are hereby enabled and directed to hear said Review and determine thereupon, And the said Jonathan Hoar and Josiah Noyes are hereby enjoined to bring a plan of said Lands taken by some sworn Surveyor and lay it before the said Court upon the Trial. [*Passed April 21.*]

CHAPTER 465.

RESOLVES ALLOWING £150 AND A FURTHER SUM OF £80 TO THO^S HUBBARD.

Legislative
Records of the
Council, xxiv.,
361.

House Jour-
nal, pp. 293, 295,
322. *Ante*,
p. 180, chap.
413.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Setting forth That the Grant already made him for the ordinary Services the last Year will not compensate for the Expences necessarily incurred in carrying on the business devolved on him, that over and above the ordinary business of his Office, the last Year he undertook the Cloathing of 2,800 men Praying that a further allowance may be made him for his Services aforesaid.

[Read and]

Resolved that the sum of One hundred and fifty pounds be granted out of the Public Treasury to the Memorialist for his extraordinary Services in that Office, Also

Resolved that the further sum of Eighty pounds be granted to the Memorialist for extraordinary trouble in providing Cloaths for two Thousand eight hundred men. [*Passed April 21.*]

CHAPTER 466.

ORDER ALLOWING £60. 18 TO JOHN WINSLOW, ESQ^R.

Legislative
Records of the
Council, xxiv.,
362. Mass.
Archives,
lxxx., 113.

Mass.
Archives,
lxxx., 114.
House Jour-
nal, pp. 206, 326.

A PETITION of John Winslow Esq^r Setting forth That on the 13th day of August 1757, he received orders from his Excellency Governor Pownall (with a major Generals Commission) requiring him immediately to repair to Boston, that on the next day he arrived with his son as Secretary and an effective man as a Servant and then entered upon duty as a major, that he mustered the Forces raised for the relief of Fort William Henry, from Post to Post till he arrived at Worcester, that on the 19th of the same Month he was ordered to reduce those Troops which he accordingly did and returned to Boston, that the time he was upon duty, and making out the musters was full two months, his Secretary one month and his Servant two months, and that in the Service aforesaid he was at great expence, for which he never received anything Praying an Allowance.

Read and

Ordered that the Sum of Sixty pounds eighteen Shillings be paid out of the publick Treasury in full for his own His Son's and Servant's time and expences as set forth in the Petition. [*Passed April 23.*]

CHAPTER 467.

VOTE IMPOWERING SUSANNAH POPE, GUARDIAN, TO SELL A MINORS INTEREST IN REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Reliance Pope, Widow and relict of Thomas Pope late of Dartmouth in the County of Bristol deceased, and Susanna Pope Widow and Relict of Benjamin Pope deceased; and the mother and Guardian of Thomas Pope a minor and the only Surviving Child of the said Benjamin Setting forth That the said Thomas Pope died Intestate, Seized and Possed¹ of about One hundred acres of land, and left Four Daughters all married, that they with their Husbands incline to sell their interest in said Intestates Estate, that the said minor being the Eldest of either son or Grandson in the male line of the said Thomas Pope deceased is intituled to a double share, that the said Land is so very poor that if the said minors double share should be set off it would be unprofitable Praying that some person may be impowered to join with the said Daughters in behalf of said minor to sell the whole of said Land at once.

[Read and]

Voted That the Petitioner Susanna Pope Guardian to the said Thomas Pope the minor within mentioned be and she is hereby impowered to make Sale of the said Minors Share and Interest in the Real Estate within mentioned at Public Vendue for the most the same will fetch and to execute a proper Deed or Deeds of the same, she conforming to the Directions of the Law for the Sale of Real Estates by Executors & Administrators and giving Bond with Sureties to the Judge of Probate in the County of Bristol, for her faithfully improving the Proceeds of the said Sale for the best Advantage of the said minor and for her accounting with the Judge therefor when thereto required. [*Passed April 23.*]

Legislative
Records of the
Council, xxiv.,
363.

House Jour-
nal, p. 325.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 468.

VOTE IMPOWERING THE COMMITTEE TO SELL LANDS IN WORCESTER COUNTY CALLED WACHUSETT HILL AND POTASH FARM (SO CALLED), &c.

WHEREAS the general Court at their Last sessions appointed Samuel Watts John Murray & Timothy Paine Esq^{rs} a Committee To make Sale of Certain Lands in the County of worcester. Called Watchussett Hill, Potash Farm, &c &c and ordered that the Said Lands Should be Sold at this Present sessions first being advertised in all the Boston News Papers, the Sale of which Lands have not Been advertised agreeable to Said Order

Therefore

Voted that the Said Committee be and they hereby are Impowered

Legislative
Records of the
Council, xxiv.,
364. Mass.
Archives,
xvii., 456.

House Jour-
nal, pp. 323, 324.
Ante, p. 139,
chap. 325.

¹ *Sic.*

to Make Sale of Said Lands in the Town of Boston on the Second Thursday of the Next may sessions. they observeing Such Directions Relateing to Said Sale as in Said order mentioned. [*Passed April 23.*]

CHAPTER 469.

VOTE IMPOWERING MARY JOHNSON, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
364.

House Jour-
nal, pp. 324, 325.
Province
Laws, li., 151,
chap. 10.

A PETITION of Mary Johnson, Administratrix of the Estate of her Husband John Johnson late of Framingham deceased, Setting forth That the said deceased left the petitioner a Widow and Seven Children the most of them Small two under Seven Years of Age, with a small Estate both Real and personal appraised £248. that the debts due and owing from said Estate amounts to £100 that the Real Estate being very small and in such a situation that if only a part of said Land be sold sufficient to pay the debts the Remainder will be of but little benefit to the heirs Praying Liberty to sell the whole of the said deceaseds Real Estate.

[Read and]

Voted That the Prayer of this Petition be granted and that the Petitioner be and hereby is Impowered to make Sale of the Real Estate of the said John Johnson her late Husband deceased for the most the same will fetch and to Execute a Deed or Deeds of Conveyance thereof; she first giving notice of the time and place of Sale agreeable to the Law respecting the Sale of Real Estates by Executors and Administrators, and also giving Caution to the Judge of Probate for the County of Middlesex that the proceeds of such Sale shall be duly applied; the Widow to have one third of the Interest during her Life in Lieu of her Right of Dower and at her decease to revert to the heirs at Law and the other two thirds to be divided among the heirs of said John as the Law directs after the Just debts of the deceased are paid. [*Passed April 23.*]

CHAPTER 470.

VOTE IMPOWERING OLIVER HOLT TO SELL AN INTEREST IN LAND.

Legislative
Records of the
Council, xxiv.,
365.

House Jour-
nal, p. 323.

A PETITION of Oliver Holt of Andover Setting forth That Boanerges Raymond of Beverly in the County of Essex died some Years since leaving his Estate Intestate, in consequence of which one third part of his Real Estate was set off to the Widow & the other two thirds was equally divided among his Children viz^t Jeremiah, Rachel, Lydia, Jerusha and Eunice, that as the land divided among them, lays in several places it was rendred unfit for settlement, that since which, the Widow of the said deceased died which brings on a Division of her thirds among the heirs and so an additional expence, that the three eldest Sisters have sold their parts of the whole and the fourth her part in the two thirds, but Eunice who is the Wife of the Petitioner is not of lawfull Age, to sell her part Praying liberty to sell the same,

[Read and]

Voted that the Prayer of this Petition be so far granted that the Petitioners be and are hereby Impowered to make Sale of the Interest of said Eunice in the Lands mentioned in said Petition and to Execute a Good Deed or Deeds in Law of the same. [*Passed April 23.*]

CHAPTER 471.

VOTE IMPOWERING MARY GORHAM, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Gorham of Charlestown in the County of Middlesex Widow, Administratrix on the Estate of her late Husband Nathanael Gorham deceased Setting forth, That the whole of said Estate, both Real and personal is insufficient to pay the debts of the said deceased, that the Petitioner hath represented the Insolvency of said Estate to the Judge of Probate for said County who has appointed Commissioners to receive and examine the Claims on the said Estate, That the personal Estate is not sufficient to discharge the Mortgages on the Real Estate, nor can she do it till she hath made Sale of the Real Estate Praying she may be impowered to sell the same.

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioner be and hereby is Impowered to make Sale of the deceaseds Real Estate for as much as the same will fetch and to Execute a Good Deed or Deeds in Law of the same, she observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and to give sufficient caution to the Judge of Probate for the County of middlesex that the moneys arising by said Sale shall be applied to the payment of the Just debts of the deceased and the overplus (if any there be) be distributed to the Widow and the heirs of the deceased according to Law. [*Passed April 23.*]

Legislative
Records of the
Council, xxiv.,
366.

House Jour-
nal, p. 324.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 472.

VOTE ALLOWING £25 TO ASA HILL.

A PETITION of Asa Hill of Shrewsbury Husbandman Setting forth That he was a Soldier in the Pay of the Province in 1760, and was at the Seige and reduction of the French Fort on the Isle aneux, where he received a wound by a Cannon Shot from the Enemy, which has rendered him incapable of Labour Praying an allowance

[Read and]

Voted that the Prayer of this Petition be So far Granted that their be granted and Paied to the Petitioner out of the publick Treasury the Sum of Twenty five pounds for his Sufferings and Expences mentioned in full. [*Passed April 23.*]

Legislative
Records of the
Council, xxiv.,
367. Mass.
Archives,
lxxx., 149.

Mass.
Archives,
lxxx., 142.
House Jour-
nal, pp. 320, 324.

Legislative
Records of the
Council, xxiv.,
367. Mass.
Archives, I.,
169.

Legislative
Records of the
Council, xxiv.,
361, 367. House
Journal,
pp. 326, 327.
Province
Laws, iv., 568,
note.

CHAPTER 473.

VOTE CHOOSING JASPER MAUDUIT, ESQ^r, AGENT AT COURT OF GREAT BRITAIN.

THE TWO HOUSES pursuant to Agreement proceeded to the choice of an Agent for the Province in Great Britain, by joint Ballot: upon sorting & counting the Votes it appeared that Jasper Mauduit Esqr was chosen by a majority of the Votes. [*Passed April 23.*]

CHAPTER 474.

ORDER ALLOWING £1. 16 TO JUDAH DELANO.

Legislative
Records of the
Council, xxiv.,
367. Mass.
Archives,
lxxx., 152.

Mass.
Archives,
lxxx., 152.
House Jour-
nal, pp. 326, 327.

A PETITION of Judah Delano setting forth That his son Alpheus, was a Soldier in 1761, in Cap^t Harris's Company and on his Voyage home from Halifax was Cast away at Ipswich, and very much frozen Praying an allowance for his Expences

Read and

Ordered that the Sum of one pound Sixteen Shillings be granted out of the publick Treasury to the Pet^r in full. [*Passed April 23.*]

CHAPTER 475.

ORDER ALLOWING £1. 16 TO AMAZIAH DELANO.

Legislative
Records of the
Council, xxiv.,
367. Mass.
Archives,
lxxx., 167.

House Jour-
nal, pp. 326, 327.

A PETITION of Amaziah Delano setting forth That his son Cornelius, was a Soldier in the Pay of the Province in 1761, and on his Voyage home from Halifax was Cast away at Ipswich where he lost all his Cloaths, and so much frozen, that he could not travel home on foot Praying an Allowance.

Read and

Ordered that the Sum of One pound Sixteen Shillings be granted out of the publick Treasury to the Pet^r in full. [*Passed April 23.*]

CHAPTER 476.

ORDER ALLOWING £1. 16 TO ICH^b SIMMONS.

Legislative
Records of the
Council, xxiv.,
368. Mass.
Archives,
lxxx., 79.

House Jour-
nal, pp. 326, 327.

A PETITION of Ichabod Simmons Setting forth That his son Consider Simmons was a Soldier in Cap^t Harris's Company in 1761 and that on his return home he was cast away at Ipswich, and was so much frozen that he was not able to travel on foot Praying an Allowance.

Read and

Ordered that the Sum of One pound Sixteen Shillings be granted out of the publick Treasury to the Pet^r in full. [*Passed April 23.*]

CHAPTER 477.

ORDER ALLOWING £6. 5. 8 TO REUBEN KIMBELL.

A PETITION of Reuben Kimbell of Woburn Setting forth That he went as a Soldier in the late Expedition against Canada in 1760, that upon his return home he was taken Sick with the small Pox which put him to considerable expence Praying an allowance.

Legislative
Records of the
Council, xxiv.,
368. Mass.
Archives,
lxxx., 166.

Read and

Ordered that the Sum of Six pounds five Shillings and eight pence be paid out of the publick Treasury to James Fowle Esq^r for the Use of the Pet^r in full. [*Passed April 23.*]

Mass.
Archives,
lxxx., 166.
House Jour-
nal, p. 327.

CHAPTER 478.

ORDER IMPOWERING HANNAH TEMPLE, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Temple of Acton Setting forth That she is constituted by the Judge of Probate for the County of middlesex, Administratrix to the Estate of her late Husband Samuel Temple deceased, and that finding said Estate to be so much in debt, and the Charges of maintaining her Children so great that she is necessitated to make Sale of the Estate her husband died possessed of Praying she may be impowered to sell the same.

Legislative
Records of the
Council, xxiv.,
368.

House Jour-
nal, p. 327.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Ordered that the Prayer of the said Petition be so far granted, as that the said Petitioner in her Capacity of Administratrix be and she hereby is Authorized and impowered to make Sale of the whole of the Real Estate mentioned in the said Petition for the most the same will sell for, and to make and execute a good Deed or Deeds of Sale in the Law for Conveying the same, she observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of middlesex, that the proceeds arising by said Sale be applied to the payment of the just debts of the said deceased the Intestate and the remainder thereof, (if any be) be distributed according to Law. [*Passed April 23.*]

CHAPTER 479.

ORDER ALLOWING £3. 6 TO JAMES MORGAN.

A PETITION of James morgan of Springfield Setting forth That his Servant Ebenezer Bagg a Soldier in the Pay of the Province in the Year 1760, on his return home was taken sick which put the Petitioner to great Charge and expence in getting of him home Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
370. Mass.
Archives,
lxxx., 165.

Read and

Ordered that the Sum of three pounds Six Shillings be paid to Josiah Dwight Esq^r for the Use of the Petitioner in full. [*Passed April 23.*]

Mass.
Archives,
lxxx., 165.
House Jour-
nal, p. 328.

CHAPTER 480.

ORDER ALLOWING £20 TO W^m BAKER.

Legislative
Records of the
Council, xxiv.,
370.

House Jour-
nal, pp. 327, 328.
Ante, p. 161,
chap. 376.

A PETITION of William Baker, Doorkeeper to the Court Setting forth his extraordinary Service and Attendance in the present Con-
juncture of Affairs, as well in the recess of the Court in notifying
Councils, providing Expresses &c^a as during the Sessions of the
same. And Praying an allowance.

Read and

Ordered that the sum of twenty pounds be granted out of the
Public Treasury to the Memorialist over and above the Grant already
made him for his Services the current Year. [*Passed April 23.*]

CHAPTER 481.

ORDER INCREASING THE PAY OF THE MEMBERS OF THE GEN^L COURT.

Legislative
Records of the
Council, xxiv.,
370. Mass.
Archives, I.,
166.

House Jour-
nal, p. 291.
Ante, p. 179,
chap. 410.

In the House of Rep^{ives}

In consideration of the extraordinary expence to which the Mem-
bers of this Assembly have been subjected in the present Session
that their pay should be increased. Therefore

Ordered that the Sum of Six Shillings and four pence be allowed
to each Member of His Maj^{es} Council per Day for their attendance
And that the Sum of five Shillings per Day be allowed to the Mem-
bers of this House for their attendance in the present Session. And
that the Rolls be made up accordingly

In Council Read & Concur^d. [*Passed April 23.*]

CHAPTER 482.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY MARG^t UNCLES
THE WAGES OF HER HUSBAND.

Legislative
Records of the
Council, xxiv.,
371. Mass.
Archives,
lxxx., 181.

Mass.
Archives,
lxxx., 181.
House Jour-
nal, pp. 327, 329.

A PETITION of Margaret Uncles of Marblehead Setting forth
That her Husband Richard Uncles was a Soldier in Col^o Saltonstalls
Regiment in 1761, and at his discharge from said Service he designed
to return home by the way of Albany, but not hearing from him
since hath great cause to fear he is dead, that there is some Wages
due to him as made up in Cap^t Carvers muster Roll. Praying she
may be allowed to receive the same.

[Read and]

Voted that the Prayer of this Petition be Granted, And that the
Treasurer pay the Money Petitioned for, to Jacob Fowle Esq^r for
the Use of the Petitioner. [*Passed April 24.*]

CHAPTER 483.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF
DAVID MARSH & OTHERS IN REGARD TO TOWNSHIPS BETWEEN
RIVERS PENOBSCOT & ST. CROIX.

THE COMMITTEE to whom was referred the petition of David Marsh and others for themselves and Associates to whom the six Townships were Granted by this Court the 20th of February last between the River Penobscot and St Croix, Report that it be a direction to Samuel Livermore Esq^r appointed by this Court to Inspect the Survey of the twelve Townships Granted at or near Penobscot; that the whole being first Surveyed, Marsh and his Associates draw one half the same. and then the said marsh and his Associates, as well as the Proprietors of the other six Townships mentioned in the Courts Grant draw among themselves no preference to be given to either, and further after drawing the Townships aforesaid m^r Livermore be directed to view each of them, and report the Circumstance of the Land whether Ponds Mountains or broken in order to the Courts making such allowance as they think proper, which is humbly Submitted

(Signed) *p* order JOHN HILL

Read and Accepted and

Ordered That Samuel Livermore Esqr be instructed to follow the direction above mentioned in laying out the twelve Towns East of Penobscot. [*Passed April 24.*]

Legislative
Records of the
Council, xxiv.,
371. Mass.
Archives,
cxvii., 836.

Mass.
Archives,
cxvii., 834, 835.

Legislative
Records of the
Council, xxiv.,
347. House
Journal, p. 331.
Ante, p. 182,
chap. 421;
p. 191, chap.
439.

CHAPTER 484.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF JACOB
FOWLE, ESQ^a, IN REGARD TO MINISTERIAL TAXES.

A PETITION of Jacob Fowle Esq^r of Marblehead Setting forth That He owns and often dwells upon a Farm on the East side of the first Parish in Lynn containing about 120 Acres and bordering upon Marblehead which has not paid any Taxes to said Parish for fifteen Years past but to marblehead, but that since he hath purchased said Farm which is about six Years, He hath been taxed towards the ministerial Rate in said Parish. That the Farm is four miles distant from the Parish meeting house in Lynn, and but two and an half from Marblehead, And Praying that it may for the future be freed from ministerial Taxes in Lynn, and be annexed to Marblehead so far as concerns Parish Taxes.

Legislative
Records of the
Council, xxiv.,
209, 372.

Mass.
Archives, xiv.,
262. House
Journal,
pp. 213, 329, 331.

The Committee of both Houses to whom the consideration of the Petition of Jacob Fowle Esq^r was referred having heard the Petitioner in support of his Petition, as also Benjamin Newell Esq^r (on behalf of the Respondents) in opposition to it: are upon the whole of opinion that the Prayer of said Petition be granted, and that the Farm therein mentioned, be for the future exempted from Taxes for the support of the ministry in the Town of Lynn, and that it be subject to pay ministerial Taxes, in the Town of Marblehead only, which is humbly submitted, *p* order

(Signed) RICH^d CUTTRead and Accepted. [*Passed April 24.*]

CHAPTER 485.

ORDER ALLOWING £3 TO BENJ^A WHITE.

Legislative
Records of the
Council, xxiv.,
372. Mass.
Archives,
lxxx., 193.

Mass.
Archives,
lxxx., 193.
House Jour-
nal, pp. 327, 330.

A PETITION of Benjamin White of Hannover Setting forth That he has for Years past taken care of and Provided for his uncle Thomas White late of Marshfield deceased, a Pensioner of this Province, and an old Soldier wounded in Queen Anns war who died at the Petitioners house, that the Expence for Doctors & Funeral Charges amounted to Three pounds And Praying an allowance of the same.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Ezekiel Turner Esq^r for the Use of the Pet^r in full for his Pension and expences mentioned. [*Passed April 24.*]

CHAPTER 486.

ORDER ALLOWING £2. 8 TO JON^A RUSSELL.

Legislative
Records of the
Council, xxiv.,
373. Mass.
Archives,
lxxx., 162.

Mass.
Archives,
lxxx., 160.
House Jour-
nal, pp. 327, 330.

A PETITION of Jonathan Russell of Sherburne Setting forth That his son John was a Soldier in the Year 1760 in Cap^t William Jones's Company and after his return from Canada to Crown point was taken sick and died and lost his Gun and Cloaths Praying an allowance.

Read and

Ordered that the Sum of two pounds eight Shillings be paid out of the publick Treasury to the Pet^r in full for the Loss of his Gun and expences mentioned. [*Passed April 24.*]

CHAPTER 487.

RESOLVE ALLOWING £150 TO THO^S GOLDTHWAIT, ESQ^R.

Legislative
Records of the
Council, xxiv.,
373. Mass.
Archives,
lxxx., 192.

House Jour-
nal, pp. 326, 331.
Ante, p. 75,
chap. 183.

Resolved that the Sum of one hundred and fifty pounds be paid out of the publick Treasury to Thomas Goldthwaite Esq^r in full for going to New York to Settle an Affair with Sir Jeffrey Amherst relative to the Troops and paying the billeting Money to the Soldiers and for his Assisting in raising the Levies, and for all other Services to this Day. [*Passed April 24.*]

CHAPTER 488.

VOTE ESTABLISHING THE PAY OF EACH CHAPLAIN FOR THE THREE REGIMENTS.

Legislative
Records of the
Council, xxiv.,
374. Mass.
Archives, xiv.,
317.

House Jour-
nal, p. 331.

Voted that there be an establishment for three Chaplains for y^e three Regimints raised by this Prov^{ce} for the service of ¹ his Majesty this year & that they be allowed eight pounds ^p month each. [*Passed April 24.*]

CHAPTER 489.

ORDER GRANTING TO ANDREW M^cKENZIE LICENCE TO SELL STRONG DRINK.

A PETITION of Andrew M^cKenzie of Dorchester. Setting forth That he has for some time had a Shop of dry and West India Goods, which Shop was formerly Licensed to Retail Spirituous Liquors. that if he could have a License to Retail in said Shop it would be a great Encouragement to his Manufactory of Snuff. Praying the Court of General Sessions of the Peace for the County of Suffolk may be impowered to Grant him a License.

Legislative
Records of the
Council, xxiv.,
376. Mass.
Archives, cxx.,
416.

Mass.
Archives, cxx.,
415. House
Journal,
pp. 329, 331, 332.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Suffolk be allowed (if they see cause) at their next sitting to grant the Pet^r a Licence to retail strong Liquors in the Shop within mentioned He first obtaining the approbation of the Select Men of Dorchester for that purpose.

The time for granting Licences being elapsed notwithstanding.
[*Passed April 24.*]

CHAPTER 490.

ORDER ALLOWING £12. 16. 6 TO JANE WATKINS.

A PETITION of Jane Watkins Setting forth That her husband Andrew Watkins was a Captain in his majesty's Service, when Oswego was taken, that the said Andrew was carried Captive to Canada, and from thence to Old France, that during the time he was in Canada he ransomed several of his Countrymen who were Prisoners there Praying an Allowance.

Legislative
Records of the
Council, xxlv.,
376. Mass.
Archives,
lxxx., 191.

Mass.
Archives,
lxxx., 190.
House Jour-
nal, p. 332.

Read and

Ordered that the Sum of twelve pounds sixteen Shillings and Six pence be paid out of the publick Treasury to the Pet^r in full.
[*Passed April 24.*]

CHAPTER 491.

ORDER ALLOWING £8 TO JN^o CONNELLY.

A PETITION of John Connelly Setting forth That he was taken in the Province Snow Prince of Wales and carried to France where during a long Captivity he suffered great hardships. And Praying an allowance

Legislative
Records of the
Council, xxlv.,
377. Mass.
Archives,
lxvi., 193.

Read and

Ordered that there be granted and Allowed out of the Public Treasury to the Petitioner the sum of Eight pounds in full consideration of his Captivity & Sufferings within mentioned. [*Passed April 24.*]

Mass.
Archives,
lxvi., 193.
House Jour-
nal, p. 332.

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1762-63.

LEGISLATIVE LIST

FOR

1762-63.

HIS EXCELLENCY FRANCIS BERNARD,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.,

ANDREW OLIVER, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

HON. THOMAS HUTCHINSON	}	JAMES BOWDOIN	}
JOHN OSBORNE		THOMAS HANCOCK	
BENJAMIN LYNDE		THOMAS HUBBARD	
SAMUEL DANFORTH		ISRAEL WILLIAMS	
SAMUEL WATTS		HARRISON GRAY	
JOHN CHANDLER		JOHN CHOATE	
ANDREW OLIVER		JAMES RUSSELL	
ISAAC ROYALL		THOMAS FLUCKER	
JOHN ERVING		NATHANAEL ROPES.	
ESQRS.		ESQRS.	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	GAMALIEL BRADFORD	}
GEORGE LEONARD		JAMES OTIS	
ESQRS.		ESQRS.	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

JOHN HILL, RICHARD CUTT & NATHANAEL SPARHAWK, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;

WILLIAM BRATTLE, Esq.

¹ See Legislative Records of the Council, xxiv., 379-384.

For the Province, at large:—

BENJAMIN LINCOLN & PETER OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 26, 1762 to February 25, 1763.

MR. TIMOTHY RUGGLES, ESQ., SPEAKER.

COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Royall Tyler, Esq.,
	John Phillips, Esq.,
	James Otis, Jr., Esq.,
	Thomas Cushing, Esq.
<i>Roxbury</i> , . . .	Joseph Williams, Esq.
<i>Dorchester</i> , . .	Capt. John Robinson.
<i>Milton</i> , . . .	Andrew Belcher, Esq.
<i>Braintree</i> , . .	Capt. Ebenezer Thayer, Jr.
<i>Weymouth</i> , . .	James Humphry, Esq.
<i>Hingham</i> , . . .	Mr. Joshua Hearsey.
<i>Dedham</i> , . . .	Nathaniel Sumner, Esq.
<i>Medfield</i> , . . .	Mr. Eliakim Morse.
<i>Stoughton</i> , . .	Joseph Hewins, Esq.
<i>Wrentham</i> , . .	Capt. Timothy Metealf.
<i>Chelsea</i> , . . .	Thomas Goldthwait, Esq.
<i>Medway</i> , . . .	Elisha Adams, Esq.

COUNTY OF ESSEX.

<i>Salem</i> , . . .	Nathaniel Ropes, ¹ Esq.,
	William Brown, Esq.
<i>Danvers</i> , . . .	Mr. Thomas Porter.
<i>Ipswich</i> , . . .	Samuel Rogers, Esq.
<i>Newbury</i> , . . .	Joseph Gerrish, Jr., Esq.,
	John Brown, Esq.
<i>Lynn</i> , . . .	Benjamin Newhall, Esq.
<i>Marblehead</i> , . .	Jacob Fowle, Esq.
<i>Andover</i> , . . .	Joseph Frye, Esq.
<i>Beverly</i> , . . .	Mr. Henry Herrick.
<i>Rowley</i> , . . .	Mr. Thomas Lancaster.
<i>Salisbury</i> , . .	Caleb Cushing, Esq.
<i>Haverhill</i> , . .	Richard Saltonstall, Esq.
<i>Glocester</i> , . . .	Thomas Saunders, Jr., Esq.
<i>Almsbury</i> , . . .	Jonathan Bagley, Esq.
<i>Bradford</i> , . . .	Benjamin Milliken, Esq.
<i>Roxford</i> , . . .	Aaron Wood, Esq.
<i>Topsfield</i> , . .	Mr. Elijah Porter.
<i>Wenham</i> , . . .	Capt. Nathaniel Brown.

COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Andrew Bordman, Esq.
<i>Charlestown</i> , . .	Ezekiel Cheever, Esq.
<i>Woburn</i> , . . .	James Fowle, Esq.
<i>Concord</i> , . . .	Charles Prescott, Esq.
<i>Reading</i> , . . .	Ebenezer Nichols, Esq.
<i>Newton</i> , . . .	Thomas Greenwood, Esq.
<i>Marlborough</i> , .	Mr. Samuel Witt.
<i>Groton</i> , . . .	} Capt. Abel Lawrence.
<i>Shirley</i> , . . .	
<i>Pepperrell</i> , . .	
<i>Watertown</i> , . .	Mr. Daniel Whitney.
<i>Billerica</i> , . . .	Capt. Enoch Kidder.
<i>Frammingham</i> , .	Joseph Buckminster, Esq.
<i>Lexington</i> , . .	William Reed, Esq.
<i>Weston</i> , . . .	Elisha Jones, Esq.
<i>Chelmsford</i> , . .	Samuel Stoddard, Esq.
<i>Malden</i> , . . .	Ezra Green, Esq.
<i>Medford</i> , . . .	Samuel Brooks, Esq.
<i>Westford</i> , . . .	Capt. Jonas Prescott.
<i>Walham</i> , . . .	Sam ^l Livermore, Esq.
<i>Stow</i> , . . .	Henry Gardner, Esq.

COUNTY OF HAMPSHIRE.²

<i>Springfield</i> , .	John Worthington, Esq.,
	Josiah Dwight, Esq.
<i>Northampton</i>	} Timothy Dwight, Jr.,
<i>Southampton</i>	
<i>Hadley</i> , . . .	} Josiah Chauncy, Esq.
<i>South Hadley</i>	
<i>Amherst</i> , . . .	
<i>Hatfield</i> , . . .	Oliver Partridge, Esq.
<i>Deerfield</i> , . .	} Mr. Jonathan Ashley, Jr.
<i>Greenfield</i> , . .	
<i>Westfield</i> , . .	Eldad Taylor, Esq.

COUNTY OF WORCESTER.

<i>Worcester</i> , . .	Timothy Paine, Esq.
<i>Lancaster</i> , . .	Mr. David Wilder.

¹ Andrew Oliver, Jr., Esq., appointed Representative from Salem, June 9, 1762, in place of Nathaniel Ropes now of his Majesty's Council. — House Journal, p. 56, 1762–63.² The House Journal, p. 38, gives the name of Major John Ashley elected Representative for the towns of Sheffield, Great Barrington and Egremont.

COUNTY OF WORCESTER — *Concluded.*

<i>Leicester</i>	{	Capt. John Brown.
<i>Spencer</i>		
<i>Mendon, . . .</i>		Capt. Phineas Loveit.
<i>Brookfield, . . .</i>		Jedediah Foster, Esq.
<i>Sutton, . . .</i>		Capt. Henry King.
<i>Rutland & Rut-</i>	{	John Murray, Esq.
<i>land District,</i>		
<i>Sturbridge, . . .</i>		Moses Marcy, Esq.
<i>Westborough, . . .</i>		Mr. Francis Whipple.
<i>Southborough, . . .</i>		Ezra Taylor, Esq.
<i>Uxbridge, . . .</i>		Capt. Solomon Wood.
<i>Hardwicke, . . .</i>		Hon. Timothy Ruggles,
		Esq., Speaker.
<i>Lunenburg, . . .</i>		Edward Hartwell, Esq.

COUNTY OF PLYMOUTH.

<i>Plymouth, . . .</i>	Thomas Foster, Esq.
<i>Scituate, . . .</i>	Thomas Clapp, Esq.
<i>Marshfield, . . .</i>	John Winslow, Esq.
<i>Duxborough, . . .</i>	Briggs Alden, Esq.
<i>Bridgewater, . . .</i>	Daniel Howard, Esq.
<i>Middleborough, . . .</i>	Capt. Ebenezer Sprout.
<i>Rochester, . . .</i>	Nathaniel Ruggles, Esq.
<i>Plympton, . . .</i>	Capt. John Bradford.
<i>Pembroke, . . .</i>	Josiah Keen, Esq.
<i>Kingston, . . .</i>	Capt. Robert Bradford.
<i>Abington, . . .</i>	Capt. Woodbridge
	Brown.
<i>Hanoever, . . .</i>	David Stockbridge, Esq.

COUNTY OF BARNSTABLE.

<i>Barnstable, . . .</i>	James Otis, Esq.
<i>Sandwich, . . .</i>	Mr. Stephen Nye.

COUNTY OF BARNSTABLE — *Concluded.*

<i>Eastham, . . .</i>	Capt. Solomon Pepper.
<i>Harwich, . . .</i>	Mr. Chillingworth Fos-
	ter, Jr.
<i>Falmouth, . . .</i>	Mr. Daniel Butler.

COUNTY OF BRISTOL.

<i>Taunton, . . .</i>	James Williams, Esq.
<i>Rehoboth, . . .</i>	Aaron Kingsley, Esq.
<i>Norton, . . .</i>	Thomas Morey, Esq.
<i>Swanzey, . . .</i>	Jerathmeel Bowers, Esq.
<i>Dartmouth, . . .</i>	Mr. Walter Spooner.
<i>Attleborough, . . .</i>	Stephen Fuller, Esq.
<i>Dighton, . . .</i>	Mr. Ebenezer Stutson.
<i>Freetown, . . .</i>	Thomas Gilbert, Esq.

COUNTY OF YORK.

<i>York, . . .</i>	John Bradbury, Esq.
<i>Kittery, . . .</i>	James Gowen, Esq.
<i>Wells, . . .</i>	Joseph Sawyer, Esq.
<i>Berwick, . . .</i>	Benjamin Chadburne,
	Esq.
<i>Bideford, . . .</i>	Samuel Jordan, Esq.

COUNTY OF CUMBERLAND.

<i>Falmouth, . . .</i>	Francis Waldo, Esq.
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IN THE COUNTY OF NANTUCKET.

<i>Sherburne, . . .</i>	Abishai Folger, Esq.
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COUNTY OF BERKSHIRE.

<i>Stockbridge, . . .</i>	Timothy Woodbridge,
	Esq.
<i>Tyringham, . . .</i>	Capt. John Chadwick.



RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1762.

CHAPTER 1.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE HASSA-
NAMISCO INDIANS.

AN ACCOUNT of John Chandler Esq^r and Others, Trustees appointed by the General Court to receive the interest money arising on the Sale of the Hassanamisco Indian's Lands amounting to 1,744⁶⁴/₃₄₄ oz: of Silver, and to distribute the same among the Indian Proprietors.

Read and

Ordered that the within Account be allowed and that the Trustees within named be further Accountable for the sum of Nine pence Interest Money in their hands. [*Passed May 31.*]

Legislative
Records of the
Council, xxiv.,
387. Mass.
Archives,
xxxiii., 206.

Mass.
Archives,
xxxiii., 206.
House Jour-
nal, p. 17.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 2.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EX-
CISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 18/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Hampshire the last Year made report that they had sold the same to M^r Daniel Jones for Thirty two pounds lawful money and had taken sufficient Bond for the payment of the same and lodged it with the Province Treasurer. And pray allowance of their charge in the Affair Eighteen shillings.

Read and

Ordered that this report be accepted and that the Sum of Eighteen Shillings be allowed the Committee for their Service and Expence in the Affair. [*Passed May 31.*]

Legislative
Records of the
Council, xxiv.,
389. Mass.
Archives, cxv.,
432.

Mass.
Archives, cxv.,
430. House
Journal, p. 15.
Ante, p. 59,
chap. 139.

CHAPTER 3.

RESOLVE IMPOWERING RICH^d FLAGG, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
390.

House Jour-
nal, pp. 21, 22.
Province
Laws, II., 151,
chap. 10.

A PETITION of Richard Flagg Guardian of William Flagg of Holden, a person Non compos Setting forth That the said Williams Estate lying in Holden was apprized at £334 and the personal Estate at £28.2.6. That he hath a Wife and five Children, the eldest about nine years of age, and that he is in debt about £53 That it must be greatly detrimental to the Estate to sell it by piece meal as there shall be occasion, And Praying that he may be impowered to make Sale of the whole for the payment of the debts and support of the Family.

[Read and]

Resolved That the prayer of this Petition be so far granted as that the Petitioner in his capacity as Guardian be, and he hereby is impowered to make sale of the Real Estate within mentioned for the most the same will fetch and to execute a good deed or deeds of the same to the purchaser or purchasers, the said Guardian observing the directions of the Law relating to the Sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of Probates for the County of Worcester to apply the proceeds of said Sale towards paying the Debts of the said Noncompos and for the future support of him and his Family. [*Passed June 1.*]

CHAPTER 4.

RESOLVE IMPOWERING DANIEL DANA AND SARAH WELD, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
392.

House Jour-
nal, p. 25.
Province
Laws, II., 151,
chap. 10.

A PETITION of Daniel Dana of Brooklyn and Sarah Weld of Roxbury Administrators of the Estate of Edward Weld late of Roxbury deceased Intestate and Guardians of the said deceaseds Children Setting forth That the said Edward Weld died siezed of a certain interest in housing and Lands in Roxbury Brooklyn and Newtown there being about fifty Acres of land more or less, all which lyes in common with Lands of David Weld, and the Children being Girls, all under the age of 4 years and unable to fence the same, it is like to be of very little profit to them, And Praying That they may be impowered to make sale of the deceaseds interest in the said Estate.

[Read and]

Resolved That the prayer of the Petition be granted: and that the Petitioners be, and hereby are impowered to make sale of the within mentioned Premises for the most they will fetch, and to make and execute a good and sufficient deed or deeds thereof in the law; they observing the directions of the Law for the sale of Real Estates, and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds coming by such Sale shall be improved for the benefit of the heirs of the withinnamed Edward Weld according to Law. [*Passed June 1.*]

CHAPTER 5.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING £1. 2 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea Coffee and China Ware in the County of Worcester reported that they had sold the same to William Jenison for Thirty eight pounds and taken his Bond with Sureties for payment thereof which they had delivered to the Province Treasurer: And praying allowance of the charge attending the Sale.

Legislative
Records of the
Council, xxiv.,
392.

House Jour-
nal, p. 27.
Ante, p. 60,
chap. 142.

Read and Accepted: and

Ordered That the Sum of One pound two shillings be allow'd out of the Public Treasury to the Committee for their Service in the Affair. [*Passed June 1.*]

CHAPTER 6.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOUNT of Gardner Chandler Esq^r County Treasurer for Worcester County was presented to the Court for Allowance. dated Worcester May 1762.

Legislative
Records of the
Council, xxiv.,
393.

Read and

Ordered That the within Account be allowed, and that the Treasurer be discharged the Sum of Two hundred and Thirty pounds one shilling and six pence half penny. And that the Treasurer be further accountable to said County for the ballance, being two hundred thirty eight pounds, two shillings and six pence farthing: as also for the Taxes laid on the Town of Woodstock since the Year 1748 still outstanding when he receives the same. [*Passed June 1.*]

House Jour-
nal, pp. 13, 19.

CHAPTER 7.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

AN ACCOUNT of John Cotton Esq^r Treasurer of the County of Plymouth to April 1762 was presented to the Court for allowance.

Legislative
Records of the
Council, xxiv.,
393.

Read and

Ordered That the within Account be allowed, and that the within-named Treasurer be discharged the Sum of One hundred and one pounds eleven shillings. And that the said Treasurer be further accountable to said County for the ballance being forty six pounds, eight shillings and eight pence. [*Passed June 1.*]

House Jour-
nal, pp. 13, 19.

CHAPTER 8.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
394.

Mass.
Archives,
lxxx., 228.
House Jour-
nal, pp. 22, 23.

THE HOUSE considered the Petitions of Sick and Wounded Soldiers, and thereupon the following Votes passed viz^t To James Gowen Esq^r £4.16 for the use of Moses Wittum in full. To Benjamin Chadbourn Esq^r 1.16 to each one of the Petitioners Inhabitants of Berwick in full. To Benjamin Chadburn Esq^r for the use of Alexander Pray and Joseph Welch £1.16 to each in full. To Cap^t John Brown of Leicester £4.11.4 for the use of Oliver Seager in full. To Benjamin Chadburn Esq^r £2.8 for the use of John Welch in full. To Edward Hartwell Esq^r £2.10.4 for the use of Martha Jewet in full. To Benjamin Milliken Esq^r £1.12/ for the use of Edward Cheney in full. To Edward Hartwell Esq^r £2 for the use of David Carlile in full. To Timothy Paine Esq^r £5 for the use of Jacob Cummings in full. To M^r Thomas Porter £7 for the use of Thomas Fuller in full. To Cap^t Ebenezer Sprout £2.4.8 for the use of Jabez Vaughan in full. To Cap^t Woodbridge Brown £1.6 for the use of George Askin in full. To John Bradbury Esq^r £3 for the use of Nathanael Ramsdale in full. To James Gowen Esq^r £1.16 for the use of Nathanael Clarke in full. To James Gowen Esq^r £6 for the use of Gatensby Wittum in full. [*Passed June 1.*

CHAPTER 9.

ORDER DIRECTING THE COMMITTEE ON WESTERN LANDS TO RESERVE 250 ACRES NOW IN THE POSSESSION OF JOHN BOLTON.

Legislative
Records of the
Council, xxiv.,
396.

House Jour-
nal, pp. 200, 268,
440 (December,
1757); pp. 17, 27,
30. Province
Laws, xii., 361,
chap. 2. *Ante*,
p. 148, chap.
347.

A PETITION of John Bolton living on the Branches of Westfield River Setting forth, That in the Year 1736 the Great and General Court made a Grant of 200 Acres of Land in the Township of Methuen to Cap^t John Foot of Ambsbury, who soon after sold the same: that upon running the Lines between this Province and New Hampshire 127 Acres of the said Land, purchased by the Petitioner fell within the Bounds of New Hampshire, and that in the Year 1757 he petitioned the General Court for relief, and was then encouraged by a Committee of the Court to be relieved, but nothing was done. And Praying that the case may be now considered.

[Read and]

Ordered That the Committee for the Sale of Lands at the Westward be directed to except 250 Acres of Land now in possession of John Bolton and joining to his House, and that the same be reserved for the further order of this Court. [*Passed June 2.*

CHAPTER 10.

ORDER ALLOWING £1,000 TO THE STOCKBRIDGE INDIANS.

A PETITION of Konkopot and Others, Indians, Inhabitants of Stockbridge Setting forth That they are the Descendants of Indians who were the Ancient and original Owners of and Inhabitants of the Lands lying in the Western parts of this Province, and that they are allowed by all the Indian Nations to be right owners of the Lands in these parts as far as a River called by the English, Westfield River, and that neither they nor their Ancestors have been ever at war with the English or dispossessed of the said Lands. That they have been always faithful to the English and lost many brave men in their Wars; yet the Government have granted away several large Tracts of their Lands, against which they have formerly remonstrated, but have never obtain'd redress altho' a Committee was sent to Stockbridge on that Affair, and another Committee was sent to meet the Indians upon it at Sheffield about seven Years since, from whom they received assurances that they should be paid for their Lands; but nothing has been ever done upon it, and now they are informed that all their Lands in the Western parts of the Province are ordered by the Government to be sold; against which they must in justice to themselves and their posterity put in a Caveat altho': they are well satisfied that some English Subjects who have made agreements with them for some of their Lands should continue thereon, yet they hope that none of their Rights shall be forced from them; and pray that this Court would stay the Proceedings as to the Sale of their Lands, and that the Memorialists may be heard by some of themselves whom they have sent on that business viz^t Captain Jacob Cheeksaunkun and Johannes Mtohsin.

[Read and]

Ordered That the sum of One thousand pounds as mentioned in the Report of the Committee upon the Petition of the Stockbridge Indians be granted and paid out of the Public Treasury into the hands of a proper Committee hereafter to be chosen by this Court for the use of the said Stockbridge Indians to be applied as shall appear to such Committee to be equitable. Provided That before the payment of said sum by the Treasurer he shall take bond from the same Committee conditioned for the faithful discharge of their Trust, and to be accountable to the satisfaction of the General Court for the same. Provided also that before the payment of said sum, the said Indians shall release all Claim to any of the Lands of the Province to which they pretend a Title, as also to any Lands which have been granted by the Province, Grants to themselves excepted. And that the Committee of this Court appointed to make Sale of the Lands in the Western parts of the Province proceed as ordered. [*Passed June 2.*]

Legislative
Records of the
Council, xxiv.,
387, 396.

Legislative
Records of the
Council, xxiv.,
393. House
Journal, pp. 16,
20, 28, 29, 31.

Province
Laws, iv., 699,
700, notes; xv.,
354, chap. 66.
Ante, p. 148,
chap. 347.

CHAPTER 11.

ORDER CONFIRMING A GRANT OF 1,176 ACRES OF EQUIVALENT LAND TO THE TOWN OF HATFIELD.

Legislative
Records of the
Council, xxiv.,
397.

House Jour-
nal, p. 32.
Ante, p. 107,
chap. 251.

A PLAN of the Survey of a Tract of Land granted by the General Court on the 26 of January last as an Equivalent for 1176 Acres part of their Township which in the Year 1737, was returned and confirmed as a part of New Hingham; was laid before the Court for their confirmation, which said Grant is laid out on Hoosuck River North of New Framingham and adjoining to the Line of the Township of New Framingham, containing the like quantity of 1,176 Acres.

Read and

Ordered That the Lands herein delineated and described be and hereby are confirmed to the Town of Hatfield. Provided the Plan exceeds not the quantity of the Grant and does not interfere with any former Grant. [*Passed June 3.*]

CHAPTER 12.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
398.

Mass.
Archives,
lxxxviii., 250;
lxxx., 150, 171,
172, 174, 175, 194,
195, 196, 205, 206,
208, 209, 216, 220,
225. House
Journal, p. 33.

THE HOUSE passed the following Votes upon the Petitions of sick and wounded Soldiers. viz^t To M^r Thomas Porter the sum of One pound sixteen shillings for the use of Israel Wilkins in full. To Benjamin Milliken Esq^r the sum of One pound, nineteen shillings and four pence for the use of Henry Sergeant in full. To Elisha Jones Esq^r the Sum of two pound 13/8 for the use of Henry Spring in full. To Stephen Fuller Esq^r the sum of Two pounds 12/, for the use of Rachel Stearnes, exclusive of the Doctors bill, in full. To Oliver Partridge Esq^r the sum of Four pounds six shillings for the use of Patrick Prebble in full. To Oliver Fletcher Esq^r the Sum of three pounds 12/ for the use of Josiah Parkhurst in full. To Benjamin Milliken Esq^r the Sum of One pound ten shillings for the use of Hezekiah Marsh in full. To Nathanael Ruggles Esq^r the sum of Four pounds, sixteen shillings for the use of Nathanael Freeman in full. To M^r Chillingworth Foster the sum of Two pounds, sixteen shillings for the use of Nathan Foster in full. To Charles Prescott Esq^r the Sum of one pound four shillings for the use of James Perry in full. To John Warren the Sum of One pound sixteen shillings in full. To John Bradbury Esq^r the Sum of Six pounds and ten pence for the use of Thomas Cook in full. To Charles Prescot Esq^r the sum of One pound for the use of William Wheeler in full. To Thomas Greenwood Esq^r the sum of Three pounds for the use of Josiah Seager in full. To Cap^t Abel Lawrence the sum of Two pounds for the use of Thomas Farwell in full. To Cap^t Abel Lawrence for the use of David and Daniel Farwell the sum of Two pounds five shillings to each of them in full. [*Passed June 3.*]

CHAPTER 13.

VOTE RE-ANNEXING SERGT SMITH WITH HIS ESTATE TO THE SECOND PARISH IN NEWBURY.

A PETITION of Sergeant Smith Setting forth That some years since the Petitioner was upon his Petition then preferred to the General Court set off from the second to the fourth Parish in Newbury for his better accomodation in attending the Publick Worship: that since that time the second Parish Meeting House hath been removed, whereby he is better accomodated than in the 4th Parish, And Praying that he and his Estate may be reannexed to the said 2^d Parish.

Read and

Voted That the Prayer of this Petition be granted; and that the Petitioner and his Estate be set off from the fourth Parish and rejoined to the second Parish in Newbury, there to receive privilege and do duty for the future. [*Passed June 3.*]

Legislative
Records of the
Council, xxiv.,
398.

House Jour-
nal, p. 37.
Province
Laws, xvi., 257,
chap. 114.

CHAPTER 14.

ORDER IMPOWERING EBENEZER DAVISON, SAMUEL EAMES AND ELKANAH DAY, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ebenezer Davison, Guardian of Moses Corbin a Minor, Samuel Eames, Guardian of Asa Corbin, Elkanah Day Guardian of Mary Day his daughter, the said Minors being Children and Grand children of James Corbin late of Dudley deceased Setting forth That in the division of the said deceaseds Estate there was set off to each of the said Minors 12 Acres and 107 rod of Land in Dudley being about 170 Rods in length and about 11 Rods wide which requires a great deal of fencing, and when fenced would not rent for more than twenty shillings *per* Annum. And Praying that they may be impowered to sell the same for the benefit of the said minors.

[Read and]

Ordered That the Prayer of the Petition be so far granted as the Petitioners in their capacity of Guardians be and they hereby are impowered to make sale of the Land mentioned in said Petition for the most the same will sell for, and to make and execute a good deed or deeds of Sale in law for conveying the same. they observing the directions of the Law relating to the Sale of Real Estate by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester that the money arising by said Sale be put out at Interest for the benefit and advantage of the said minors. [*Passed June 4.*]

Legislative
Records of the
Council, xxiv.,
401.

House Jour-
nal, p. 36.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 15.

ORDER ALLOWING £1. 17. 8 TO DAV^D STICKNEY.

Legislative
Records of the
Council, xxiv.,
401. Mass.
Archives,
lxxx., 224.

Mass.
Archives,
lxxx., 223.
House Jour-
nal, pp. 36, 37.

A PETITION of David Stickney of Rowley Setting forth That he served as a Soldier in the Pay of the Province in 1758, under Cap^t George, who in making up his Roll, by mistake made up the Petitioner twenty one days short of the time he served. And Praying an Allowance.

Read and

Ordered that the sum of One pound seventeen shillings and eight pence be paid out of the publick Treasury to M^r Thomas Lancaster for the Use of the Pet^r He being made up that Sum Short in the Muster roll. [*Passed June 4.*]

CHAPTER 16.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative
Records of the
Council, xxiv.,
402.

House Jour-
nal, pp. 13, 35.

AN ACCOUNT of John Choate Esq^r Treasurer of the County of Essex to 1 April 1762, having been laid before the Court for their Allowance.

Read and

Ordered That the within Account be allowed: and that the Treasurer be discharged of the sum of One hundred and forty one pounds ten shillings and nine pence half peny. And that the said Treasurer. be further accountable to said County for the ballance of the within Account being Ninety four pounds and eight pence. [*Passed June 4.*]

CHAPTER 17.

ORDER ALLOWING £3 TO BENJ^A BAILEY.

Legislative
Records of the
Council, xxiv.,
402. Mass.
Archives,
lxxx., 158.

Mass.
Archives,
lxxx., 158.
House Jour-
nal, pp. 14, 36.

A PETITION of Benjamin Bailey Setting forth That he served as a Soldier in the Pay of the Province in 1758 in Cap^t Herriicks Company; and that by mistake he is made up about two Months short of the time he served. And Praying an Allowance.

Read and

Ordered that the Sum of three pounds¹ be paid out of the publick Treasury to M^r Elisha Porter for the Use of the Pet^r it appearing that He was made up that sum short in the Muster roll. [*Passed June 4.*]

¹ The House Journal, p. 36, reads, £3. 6.

CHAPTER 18.

ORDER IMPOWERING ABNER STETSON, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abner Stetson of Scituate Guardian to Lilles Stetson and Lucinda Stetson Minors, Daughters of Joshua Stetson late of Hannover deceased Setting forth That the whole of said minors Estate consists of about seventeen Acres of dormant Land which is in debt about twenty pounds: And Praying leave to sell the same for payment of the debts the Overplus to be improved for the benefit of the said Minors.

Legislative
Records of the
Council, xxiv.,
402.

House Jour-
nal, p. 39.

[Read and]

Ordered That the Prayer of this Petition be so far granted as that the Petitioner in his capacity be, and he hereby is empowered to make sale of the seventeen Acres of Land in his Petition mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same, he observing the direction of the Law relating to the sale of Real Estates by Executors and Admin^{rs} and give[ing] bond to the Judge of Probate for the County of Plymouth that the proceeds arising by said Sale be applied for the payment of the just debts due from said Minors, and that the remainder be put out on interest on good security for the benefit of said Minors. [*Passed June 4.*]

CHAPTER 19.

RESOLVE IMPOWERING PHILL: WARNER, ADMINISTRATOR, TO SELL REAL ESTATE.

A PETITION of Philemon Warner and others of Gloucester Setting forth That Josiah Jewit of said Gloucester died about four years since without Issue, leaving a Mother Mercy Fullerton and five Brothers and Sisters, two of the whole and three of the half blood. That the said Philemon has administred on the Estate, paid the debts and the ballance of the personal Estate agreeable to the distribution made by the Judge of Probate for the County of Essex: that there remains a small Real Estate consisting of something less than half of a House, and a piece of Land in said Gloucester of 24 feet front and 300 feet deep which is incapable of a division, and no one of the heirs will take the whole. And Praying that he may be empowered to sell the said Real Estate and distribute the proceeds thereof among the proper heirs.

Legislative
Records of the
Council, xxiv.,
402.

House Jour-
nal, p. 40.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Prayer of the Petition be so far granted, as that Philemon Warner in his capacity of Administrator on the Estate of Josiah Jewit deceased be and hereby is authorised and empowered to make sale of the part of the House and Land mentioned in the within Petition and to execute a good deed or deeds of the same, He observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex to account for the proceeds of said Sale according to the directions of the Law. [*Passed June 4.*]

CHAPTER 20.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
403.

House Jour-
nal, p. 39.

THE FOLLOWING VOTES passed upon Petitions of Sick and wounded Soldiers viz^t To Manasseh Divel £3.6 in full. To Charles Prescott Esquire £2.18 for the use of Kendall Bryant in full. To M^r Ebenezer Stetson £6 for the use of John Reed in full. To Cap^t Timothy Metcalf £2.15 for the use of Samuel Ray in full. To Thomas Morey Esq^r £1.14 for the use of John Caswell in full. To Cap^t Timothy Metcalf £2.11 for the use of Samuel Hawes in full. To James Humphry Esq^r £2 for the use of Elijah Gurney in full. [*Passed June 4.*]

CHAPTER 21.

ORDER ALLOWING £2.2 EACH TO SOL^o AND SIMEON DOANE.

Legislative
Records of the
Council, xxiv.,
404. Mass.
Archives,
lxxx., 201.

Mass.
Archives,
lxxx., 201.
House Jour-
nal, pp. 27, 35.
Province
Laws, xvi., 307,
chap. 240.

A PETITION of Solomon Doane and Simeon Doane of Eastham Setting forth That their two Sons Joseph Doane and John Doane having inlisted in the Service in the year 1758, reinlisted in the year 1759 whereby they were intitled to an extraordinary bounty, but thro' mistake of the Muster master they received only the ordinary Bounty. And Praying Relief.

Read and

Ordered that the Sum of two pounds two Shillings be paid out of the publick Treasury to Cap^t Solomon Pepper for the Use of each one of the Petitioners in full. [*Passed June 4.*]

CHAPTER 22.

RESOLVE SETTING OFF DIVERS INHABITANTS OF SHREWSBURY WITH THEIR ESTATES TO THE TOWN OF WESTBOROUGH.

Legislative
Records of the
Council, xxiv.,
404.

House Jour-
nal, pp. 14, 37.

A PETITION of a number of the Inhabitants and Proprietors of the Southeasterly part of Shrewsbury Setting forth the great inconveniences they labour under by their remoteness from the meeting house and from the Center of the Town. And Praying to be annexed to the Town of Westborough, where they can be much better accommodated: to which the Town of Shrewsbury have signified their consent upon certain Conditions.

[Read and]

Resolved That William Nurse, Eleazer Pratt, the Widow Sarah Smith, Daniel Nurse and the heirs of Reuben Maynard deceased all of Shrewsbury They together with their Families Lands and Estates, as also the land of Benjamin Fay, Jonathan Fay and Moses Nurse which lyeth in Shrewsbury aforesaid and containeth all that part of said Shrewsbury called the Shoe (except the Lands of Thomas Whitney) be and they hereby are set off from the said Town of Shrewsbury and annexed to the Town of Westborough there to do duty and receive priviledge for the future. Also further

Resolved and it is hereby provided that agreeable to the Votes of

said Town of Westborough, the said Town shall not be at any cost or charge in procuring a Road to the Public Worship for the Inhabitants annexed as aforesaid; nor shall the aforesaid Inhabitants be at any cost or charge to procure the Road laid out by the Court of Sessions thro' the Land of Simeon Heywood in Westborough aforesaid. [*Passed June 4.*]

CHAPTER 23.

RESOLVE WITH NOTICE IMPOWERING THE INHABITANTS OF TYRINGHAM TO LEVY AND COLLECT TAXES.

A PETITION of John Chadwick and Others a Committee of the Proprietors and Inhabitants of the Township heretofore called Number one lately in the County of Hampshire, now in the County of Berkshire, and made a Town by the name of Tyingham Setting forth, That the said Proprietors before the Town was incorporated, did at sundry times make Grants of money for the Support of the Public Worship, and making Roads in said Place; but that there are certain delinquent Proprietors who think themselves freed from paying what they have been assessed, by the Act lately making them a Town. And Praying that they may be enabled to levy and collect the several sums heretofore granted by the Proprietors. Also praying that the said Town of Tyingham may be authorised to raise money to defrey the necessary charges that have arisen in said Township before it was incorporated, to be levied upon the Propriety agreeable to their former method of taxing. And further that such Proprietors as have neglected settling their Lands according to the tenor of the Grant may be compelled so to do, and that their Lands may be taxed in the mean time.

[Read and]

Resolved That the Inhabitants of the Town of Tyingham in the County of Berkshire lately the Proprietors of the Township called Number One in said County be and they hereby are empowered to levy and collect all such Taxes as have already been granted and ordered by said Proprietors and assessed on their Lands in the same manner as by Law they might; and that the proper Officers for levying and collecting the same have use and exercise all the same Power in levying and collecting thereof as they might, could or had by the Laws of this Province before their incorporation into a Town

And that the Petitioners notify the Nonresident Proprietors of Lands in said Tyingham that they shew cause on the second Wednesday of the next Session of this Court why their Lands should not be taxed towards defreying the necessary charges arising within the said Town until they settle the same and comply with the original Grant of said Township by inserting the substance of this Resolve in all the Boston Publick News Papers for three weeks successively, thirty days at least before the said day. [*Passed June 4.*]

Legislative
Records of the
Council, xxiv.,
405.

House Jour-
nal, pp. 17, 42.
Province
Laws, iv., 534,
chap. 47; 567,
note.

CHAPTER 24.

ORDER ALLOWING £37. 13. 6 TO SAM^l HARNDEN.

Legislative
Records of the
Council, xxiv.,
407. Mass.
Archives,
lxxx., 217.

Mass.
Archives,
lxxx., 217.
House Jour-
nal, pp. 35, 44.
Ante, p. 40,
chap. 39.

A MEMORIAL of Samuel Harnden of Woolwich in the County of Lincoln Gentleman Setting forth That in pursuance of a resolve of this Court of 20th June 1761 He went to Canada for the recovery of sundry of his Grandchildren who had been carried thither into captivity, in doing which he spent 89 days time and £23.8.4 money: which Memorial was accompanied with a Petition of Lazarus Noble Setting forth the said Harndens trouble and expence in recovering at the same time his daughter Eleanor Noble in which he expended £13.11.2. And both praying an Allowance to the said Harnden.

Read and

Ordered that the Sum of thirty seven pounds thirteen Shillings and six pence be paid out of the publick Treasury to the Pet^r in full for his time Service and expence mentioned in his Petition and the Pet^a of Lazarus Noble over and above what He has already recieved out of the Treasury. [*Passed June 5.*]

CHAPTER 25.

ORDER REVIVING THE PETITION OF BILDAD FOWLER IN REGARD TO EXCISE DUTIES ON RUM, AND RESOLVE DISCHARGING HIM FROM PAYMENT ON BOND.

Legislative
Records of the
Council, xxiv.,
407. Mass.
Archives, cxx.,
401.

Mass.
Archives, cxx.,
400. House
Journal, p. 44.
Province
Laws, iv., 356,
note.

A PETITION of Bildad Fowler of Westfield Setting forth That on the 10th April 1759 He imported from Connecticutt One hogshead of Rum and on the 2^d of may following one other hogshead of Rum which he sold to two several Innholders in the County of Hampshire, and about the same time he imported three other hogsheads of Rum which he likewise sold to two other Innholders in the said County, all which was contrary to Law, but not intended to defraud the Government of the Excise, inasmuch as the purchasers paid the same; and for which he is prosecuted by the Collector of Excise in the said County. And Praying that he may be discharged of the Penalties he has incurred thereby.

Read and

Ordered that the Pet^a be revived and It appearing the Duties of Excise upon the Liquors within mentioned have been duly paid

Resolved that the petitioner be discharged from any payment on the Bond within mentioned so far as it may respect or Contain any fine or forfeiture due to the Government. [*Passed June 5.*]

CHAPTER 26.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION FROM DISTRICT OF WESTMINSTER IN REGARD TO TAXES.

A PETITION of a Number of the Nonresident Proprietors of the District of Westminster, Setting forth That they have been at great expence in bringing forward the Settlement of the said place, and that not long since on the Petition of a number of the Inhabitants to the General Court there was a tax of one half peny an acre laid upon the Lands of the Nonresidents for four years, and it was then agreed that they should be then exempt from any further burdens. Notwithstanding which a Proprietors meeting was called and the Residents being a Majority, or near it, they laid a Tax of nine shillings or thereabouts on each Right, which the Petitioners apprehending to be contrary to the agreement made before the General Courts Committee, they have declined paying; and their Lands are put upon sale for the payment of the said Tax. And Praying Relief. Read and

Legislative
Records of the
Council, xxiv.,
408.

House Jour-
nal, pp. 43, 45.
Province
Laws, iv., 341,
note; xvi., 557,
chap. 51. *Ante*,
p. 99, chap.
231.

Ordered That the Petitioners notify the Resident Proprietors of the within named District of this Petition by leaving a copy thereof with the Proprietors Clerk that they make answer thereto (if they see cause) on the second Wednesday of the next Sitting of this Court; and that all Proceedings of the Proprietor's Committee respecting the Sale of the Lands mentioned be stayed till the further order of this Court. [*Passed June 5.*]

CHAPTER 27.

RESOLVE IMPOWERING THE COMMISSIONERS OF INSOLVENCY TO RECEIVE AND EXAMINE THE CLAIMS OF CHIPMAN COBB AND THOMAS PENNELL.

A PETITION of Chipman Cobb and Thomas Pinnel of Falmouth Setting forth That upon their Petition to the General Court the last Year, the said Court did viz^t on the 21st November last empower the Judge of Probate for the County of York to direct and order the Commissioners on the Claims of the Estate of Thomas Westbrook Esq^r late of Falmouth deceased represented insolvent to receive and examine the Petitioners Claims thereon, and to make no distribution of the said Estate before they should report on said Claims provided it be done before the 1st day of January then next after; but that thrô some inadvertence of their Agent they were never informed of the said order 'till the time was elapsed And Praying for further time to exhibit their Claims.

Legislative
Records of the
Council, xxiv.,
409.

House Jour-
nal, p. 45.
Ante, p. 57,
chap. 135.

[Read and]

Resolved That the Judge of Probate for the County of York be and hereby is empowered to direct the Commissioners on the Claims of the Estate of Thomas Westbrook late of Falmouth Esq^r deceased represented insolvent to receive and examine the Claims of the Petitioners, on the Estate of said Westbrook and make report; and that no distribution of the said Estate be had among the several Creditors of said Estate before said Report be made. Provided it be done before the first Monday in July next, and provided there be none already made. [*Passed June 5.*]

CHAPTER 28.

RESOLVE DIRECTING THE PROVINCE TREASURER TO ISSUE A WARRANT TO JACOB COOPER TO COLLECT A TAX IN STOCKBRIDGE WITH STAY OF EXECUTION.

Legislative
Records of the
Council, xxiv.,
409.

House Jour-
nal, pp. 43, 45.
Province
Laws, iv., 339,
note.

A PETITION of Jacob Cooper of Stockbridge, Setting forth That He was chosen Constable in the said Town for the year 1759 and had the Province Rate for that year committed to him to collect; but never received any warrant from the Treasurer to enable him to collect the same: that he proceeded however to collect a part of the said Tax which has been paid to the Treasurer, and a part he could not collect for want of a Warrant; yet Execution is issued against him for the said Rates. And Praying that either the Force of said Execution may be prevented, or that he may be enabled to collect the said Rates.

[Read and]

Resolved That the Treasurer be directed to give his Warrant to the Petitioner to enable him to collect the Tax, and that Execution be stayed four Months. [*Passed June 5.*]

CHAPTER 29.

RESOLVE REMITTING A FINE LEVIED AGAINST BARN^A LOTHROP FOR SELLING STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
410. Mass.
Archives,
xliv., 513.

Mass.
Archives,
xliv., 512.
House Jour-
nal, pp. 45, 46.
Province
Laws, iv., 547,
note.

A PETITION of Barnabas Lothrop of Barnstable, Setting forth That as Underkeeper of his Majesty's Goal in the County of Barnstable, he hath supplied the Prisoners and Persons who occasionally came to the Goal with strong Liquors in small quantities, not apprehending that he was in the Breach of the Law, as his Predecessors had usually done the same, and as he bought the said Liquors in small parcells of Persons who had paid the duties of Excise thereon, But that the Collector of Excise in the said County hath informed him that he is subject to the Penalty of the Law for his doings herein; yet is willing considering the circumstances of his Case to remit his Share of the Fine. And Praying the like favour of the Government.

[Read and]

Resolved that the prayer of the Petition be Granted and that the Province's part of the fine within mentioned be and hereby is remitted. [*Passed June 5.*]

CHAPTER 30.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO MARY HUBBARD THE WAGES OF HER SON.

Legislative
Records of the
Council, xxiv.,
413. Mass.
Archives,
lxxx., 200.

A PETITION of Mary Hubbard of Topsfield Setting forth That her son John Hubbard a Minor enlisted the last Year as a Soldier in Cap^t Whittings Company, and was afterwards made up as a Servant to one Ephraim Ingalls of Salem, when in fact he was not his

Servant, nor dos the said Ingalls own him as such. And Praying That she may receive his Wages.

Read and

Ordered that the Treasurer be directed to to¹ pay to M^r Elijah Porter for the Use of the Pet^r the Wages due to her son John Hubbard a Minor on Cap^t Whitings Muster roll. [*Passed June 8.*]

Mass.
Archives,
lxxx., 200.
House Jour-
nal, pp. 14, 36.

CHAPTER 31.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING £1. 10. 6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea Coffee and China Ware in the County of Essex for the year 1762 made report that they had sold the same to Jacob Ashton for £1,741 for which they had taken his Bond with Sureties and delivered the same to the Province Treasurer, And Praying Allowance of their Charge thirty shillings and six pence.

Read and

Ordered that the report be accepted and that the sum of One pound ten Shill^{ings} and Six pence be paid out of the publick Treasury to the Comm^{ee} for their service and expence in this affair. [*Passed June 8.*]

Legislative
Records of the
Council, xxiv.,
413. Mass.
Archives, cxx.,
434(2).

House Jour-
nal, p. 41.
Ante, p. 58,
chap. 137.

CHAPTER 32.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF NANTUCKET AND ALLOWING £2. 12. 8 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea Coffee and China Ware in the County of Nantucket made report, That they had sold the same for the year 1761 to Tho^s Arthur for £28.6 and for the year 1762 to the said Thomas Arthur for £26.13.4 and had lodged his Bonds for the same with the Province Treasurer. And Praying Allowance of their Charge Two pounds twelve shillings and eight pence.

Read and Accepted, And

Ordered That the sum of Two pounds twelve shillings and eight pence be paid out of the Public Treasury to the Committee for their Service and Expence in the Affair. [*Passed June 8.*]

Legislative
Records of the
Council, xxiv.,
413.

House Jour-
nal, p. 41.
Ante, p. 61,
chap. 146.

CHAPTER 33.

ORDER ALLOWING THE DISBURSEMENT ACCOUNT OF THE COMMISSARY GENERAL FROM MAY 26, 1761, TO MAY 26, 1762.

THOMAS HUBBARD ESQ^r Commissary General laid before the Court his Account of Disbursments from 26 May 1761 to 26th May 1762 Amounting to £8,718.19.9¼ which had been previously ex-

Legislative
Records of the
Council, xxiv.,
414.

¹ *Sic.*

Legislative
Records of the
Council, xxiv.,
395. House
Journal, p. 33.

amined by the Committees of the two Houses respectively, whereupon the following Order passed the Court viz^t

Read and

Ordered That this Account be allowed, and that the sum of One hundred and sixty four pounds eight shillings and nine pence due to the Accountant from the Province be allowed him. [*Passed June 8.*]

CHAPTER 34.

ORDER ALLOWING THE ACCOUNT OF INDIAN TRADE OF THE COMMISSARY GENERAL TO MAY 26, 1762.

Legislative
Records of the
Council, xxiv.,
414. Mass.
Archives, cxx.,
424.

THOMAS HUBBARD Esq^r Commissary General laid before the Court a State of the Account of Stock in his hands for the Indian Trade dated 26 May 1762, which Account had been previously examined by Committees of the two Houses respectively; whereupon the following Order passed the Court.

Read and

Ordered that the above Account be allowed and that the Ballance thereof being One thousand and six pounds Seventeen Shillings and eight pence three farthings the above named Thomas Hubbard Esq^r is further accountable to the Province for. [*Passed June 8.*]

Mass.
Archives, cxx.,
423. House
Journal, p. 33.
Supra, chap.
33.

CHAPTER 35.

ORDER ALLOWING THE SPECIE ACCOUNT OF THE COMMISSARY GENERAL TO MAY 26, 1762.

Legislative
Records of the
Council, xxiv.,
414.

THOMAS HUBBARD Esq^r Commissary General laid before the Court an Account of the several Species of Provisions by him purchased and issued dated 26 May 1762; which Account had been previously examined by Committees of the two Houses respectively, whereupon the following Order passed the Court Viz^t

Read and

Ordered That this Account be allowed: And that the Accountant be further accountable to the Province for Fifty five and half barrels of Pork, sixteen barrels of beef, two hundred and four bushels of Peas and eighty five Gallons of molosses. [*Passed June 8.*]

House Jour-
nal, pp. 37, 38.
Supra, chap.
34.

CHAPTER 36.

ORDER ALLOWING £30 TO ELD: TAYLOR, ESQ^r.

Legislative
Records of the
Council, xxiv.,
417. Mass.
Archives,
lxxx., 222.

A PETITION of Eldad Taylor Esq^r Setting forth That in the year 1755 He was employed by the Government to purchase Cattle and Provisions for the Troops of this Province then designed against Crown Point, that he went into Connecticut and having purchased the Provisions he took up Vessels to transport them to Albany, and also sent 40 yoke of Cattle thither, that the fatigue he underwent brought upon him a fit of sickness which confined him 16 Weeks

Mass.
Archives,
lxxx., 221.
House Jour-
nal, pp. 40, 53.

to his room. And that he was also employed by the Government to go to view some Townships West of Sheffield, petitioned for by divers Persons, and to see that Justice was done to the Indians: for all which he hath had no consideration except two pair of old worn-out Oxen sent to his care from Albany. And Praying an Allowance.

Read and

Ordered that the sum of thirty pounds be granted and paid out of the publick Treasury to the Pet^r in full consideration for his services and sufferings within mentioned. [*Passed June 9.*]

Province
Laws, xv., 576,
chap. 114;
583, chap. 133;
735, chap. 515.

CHAPTER 37.

ORDER ALLOWING £8 TO DEB^O BRISTOW.

A PETITION of Deborah Bristow Praying an Allowance for the Sufferings of her husband James Bristow a Soldier in the Pay of the Province who was captivated and carried to Canada when Fort William Henry was taken.

Read and

Ordered that the Sum of eight pounds be allowed and paid out of the publick Treasury to Roland Cotton Esq^r for the Use of the Petitioner in full. [*Passed June 9.*]

Legislative
Records of the
Council, xxiv.,
417. Mass.
Archives,
lxxx., 213.

Mass.
Archives,
lxxx., 213.
House Jour-
nal, p. 53.

CHAPTER 38.

RESOLVE IMPOWERING STEPH^N AND ANNA MAYNARD, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Stephen Maynard of Westborough and Anna Maynard Guardian to the Children of Samuel Brigham jun^r (her late Husband) late of Marlborough deceas'd Setting forth That the said Samuel Brigham died seised of one half part of a small dwelling house one story high with two rooms and about four rods of land in said Marlborough and a Pew in the Meeting house there; that the said House is incumbered with partnership¹ and much out of repair, and the deceaseds son but five Years of age: And Praying leave to sell the said House and Land, and the Pew for the benefit of the heirs of the deceased.

[Read and]

Resolved that the Prayer of this Petition be granted and that the Petitioners in their said Capacity be & are hereby fully authorized & impowered to make Sale of said Deceased, s¹ real Estate mentioned in s^d Petition lying in Marlborough and to execute a good Deed or Deeds in Law of the same they first giving Publick Notice of the Time and Place of Such Sale as the Law directs and to account with the Judge of Probates for The County of middlesex for their Proceedings therin And to give Sufficient Caution to him accordingly. [*Passed June 9.*]

Legislative
Records of the
Council, xxiv.,
418. Mass.
Archives, xix.,
731.

Mass.
Archives, xix.,
729-731. House
Journal, p. 51.
Province
Laws, ii., 151,
chap. 10.

¹ Sic.

CHAPTER 39.

RESOLVE CONSTRUING THE ORDER OF THE GENERAL COURT IN REGARD TO TAXES IN FIRST AND SECOND PARISHES IN DISTRICT OF SOUTH HADLEY.

Legislative
Records of the
Council, xxiv.,
420.

House Jour-
nal, pp. 34, 52.
Province
Laws, iv., 1033,
note. *Ante*,
p. 154, chap.
356.

A PETITION of Daniel Nash in behalf of the Inhabitants of the first Parish of South Hadley Praying some explanation of the Order of the General Court in February last for dividing them into two Parishes.

The above Petition being read and considered.

Resolved That all those Persons that belong to the first Parish in the District of South Hadley and have Lands under their own Improvement in the Second Parish; all such Lands shall be rated or taxed to pay all Parish charges in the first Parish notwithstanding their lying within the Bounds of the Second Parish. And that all those Persons that belong to the second Parish in said District and have Lands under their own Improvement in the first Parish; all such Lands shall be rated or taxed to pay all Parish Charges in the second Parish notwithstanding their lying within the Bounds of the first Parish. [*Passed June 9.*]

CHAPTER 40.

ORDER ALLOWING 18/ TO LEM^l JACKSON.

Legislative
Records of the
Council, xxiv.,
420. Mass.
Archives,
lxxx., 215.

Mass.
Archives,
lxxx., 215.
House Jour-
nal, p. 55.

A PETITION of Lemuel Jackson of Plymouth Setting forth That in the Year 1756 his Servant James Dyer a Soldier in the pay of the Province died at Worcester as he was proceeding to join the Army, and that a Stoppage is made in the Muster Roll for the Gun he carried with him. And Praying Relief.

Read and

Ordered that the sum of eighteen Shillings be paid out of the publick Treasury to Thomas Foster Esq^r for the Use of the Pet^r in full. [*Passed June 9.*]

CHAPTER 41.

ORDER ALLOWING £3 TO LEMUEL JENKINS.

Legislative
Records of the
Council, xxiv.,
420. Mass.
Archives,
lxxx., 237.

House Jour-
nal, p. 55.

A PETITION of Lemuel Jenkins of Newbury Setting forth That He was a Soldier in the pay of the Province in 1758, and that £3 was deducted from his Wages for want of a Certificate of the return of his Gun, which he now produces; And Praying an allowance of the said sum.

Read and

Ordered that the sum of three pounds be paid out of the publick Treasury to Joseph Gerrish Esq^r for the Use of the Pet^r in full. [*Passed June 9.*]

CHAPTER 42.

ORDER ALLOWING £3 TO ISR^L OMSTEAD.

A PETITION of Israel Omstead Setting forth That his Son Simon Omstead was a Soldier in the pay of the Province in Cap^t Salah Barnards Company in 1760: And that he had twice allow'd for one of the Kings Arms which he carried with him and had not returned. And Praying Relief.

Read and

Ordered that the sum of three pounds be paid out of the publick Treasury to Joseph Williams Esq^r for the Use of the within named Israel Omstead in full. [*Passed June 9.*]

Legislative
Records of the
Council, xxiv.,
420. Mass.
Archives,
lxxx., 230.

Mass.
Archives,
lxxx., 229.
House Jour-
nal, p. 55.

CHAPTER 43.

RESOLVE IMPOWERING DEB^o HAYWARD, ADM^s, TO SELL HER DOWER AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Deborah Hayward of Western, Widow and Administratrix of the Estate of Joseph Hayward deceased Setting forth That out of the said deceaseds personal Estate she paid as she then supposed the deceaseds just debts, and proceeded to the Settlement of the Real Estate so far as to have her Dower therein set off to her, and the remainder settled on her eldest son; he becoming bound to the other Heirs for their proportions, and some of them have been accordingly paid off but so it is that there are debts yet remaining to the amount of £22. And Praying that she may be enabled to sell her Right of Dower or Thirds in the Estate aforesaid for the payment of the deceaseds debts.

[Read and]

Resolved That the Petitioner be impowered to make Sale of her Dower or Thirds within mentioned for the most the same will fetch and to execute a good deed or deeds thereof, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that the produce arising by said Sale shall be applied for the payment of the debts mentioned; and the remainder, if any be, be put out to interest for her use during her natural Life and to the heirs after her decease. [*Passed June 9.*]

Legislative
Records of the
Council, xxiv.,
420.

House Jour-
nal, p. 52.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 44.

ORDER ALLOWING £6 TO ZACH^s LUMBART.

A PETITION of Zachens Lumbart of a place called Tarpaulin Cove in Chilmark Innholder, Setting forth That the said Cove being a place much used by Whalemens and Coasters as a Harbour, he hath at his own expence built a Light house and kept the same for three years past, the People of Nantucket only finding him Oil for the Light: that it hath already been a means of preserving

Legislative
Records of the
Council, xxiv.,
421. Mass.
Archives, cxi.,
527.

Mass.
Archives, cxi.,
526. House

Journal, pp. 46, sundry Vessels; and as his Undertaking is of public utility Praying
54. an Allowance.

Read and

Ordered that the sum of Six pounds be granted out of the publick Treasury to the Pet^r further to enable him to keep up a Light in the House within mentioned. [*Passed June 9.*]

CHAPTER 45.

VOTE IMPOWERING JAPH^T BICKNALL TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiv.,
421.

Legislative
Records of the
Council, xxiii.,
553, 695. House
Journal, p. 56.

A PETITION of Japhet Bicknall of Attleborough Setting forth That in the Year 1761 He obtained an order of the General Court for a Writ of Review on a judgment of the Superior Court held at Taunton for the County of Bristol in October 1758 against him in favour of Josiah Draper. That he took out a Writ accordingly returnable at said Taunton Court in the year 1761; but that the same was abated, and altho' he offered to pay the adverse Party his Cost, he would not consent to have the Writ amended, whereby he is deprived of the equitable Relief intended him by the Court. And Praying that he may be enabled to bring a new Writ of Review to the next Superior Court in Taunton and that the merits of the case may then be considered and determined.

[Read and]

Voted That the Prayer of the within Petition be granted; and that the Petitioner Japhet Bicknal be accordingly enabled to bring and prosecute in the Superior Court of Judicature &c next to be held at Taunton in and for the County of Bristol another Writ of Review of an Action of debt originally brought and prosecuted against him by Josiah Draper and tried upon a Writ of Review in the said Superior Court at Taunton aforesaid in October 1758: And the said Superior Court is hereby authorized thereupon to hear and determine the said Action in as full and ample manner and form as if no Writ of Review of the said Action had ever been brought or prosecuted, any Law to the contrary notwithstanding. [*Passed June 9.*]

CHAPTER 46.

RESOLVE ALLOWING £5 ANNUALLY TO BENJ^A CHUBB.

Legislative
Records of the
Council, xxiv.,
422. Mass.
Archives,
lxxx., 239.

Mass.
Archives,
lxxx., 238.
House Jour-
nal, pp. 57, 58.

A PETITION of Benjamin Chubb Setting forth That he hath been for divers years past a Soldier in the Pay of the Province and the last year served as such in Col^o Thwings Regiment at Halifax; in his passage from whence he was Shipwreckt in December last, and so frozen as to be obliged to have all his Toes cut off, whereby he is rendered unable to support himself and Family. And Praying Relief

[Read and]

Resolved, That the Prayer of the Petition be so far granted, as that there be allowed and paid out of the publick Treasury for the Use of the Petitioner, an annual Pension of Five Pounds, until the

further Order of this Court, said Pension from Time to Time to be paid to the Overseers of the Poor of the Town of Boston, to be by them applied to the Use of the said Benjamin and his Family, according to their best Discretion. [*Passed June 10.*]

CHAPTER 47.

RESOLVE ALLOWING £8 ANNUALLY TO GEO: CURTIS.

A PETITION of George Curtis Setting forth That in April 1761 the General Court was pleased to make him a Grant of £12 in consideration of his Sufferings in the Service of the Government; which Allowance was so far from affording him an addequate relief that he has been obliged to sell his small Inheritance, and being like to continue a Cripple, Praying for further Relief.

[Read and]

Resolved. That the Prayer of this Petition be so far granted as that there be allowed and paid out of the Publick Treasury To the Petitioner a Pension of Eight Pounds. annually dureing the Courts Pleasure to comence from y^e 20th of april 1761 being the Time when the grant in the within Petition mentioned was made him. [*Passed June 10.*]

Legislative
Records of the
Council, xxiv.,
423. Mass.
Archives,
lxxx., 178.

Mass.
Archives,
lxxx., 177.
House Jour-
nal, p. 57.
Province
Laws, xvi., 761,
chap. 453.

CHAPTER 48.

RESOLVE GRANTING 2,000 ACRES OF LAND TO A. BELCHER, ESQ^R.

A PETITION of Andrew Belcher Esq^r Representing to the Court the embarrassed Titles of sundry Tracts of Land heretofore granted to his late Father Governor Belcher deceas'd and other Claims which he supposes his said Father had on the Province, as set forth in his Petition entered the 17th day of February last. And Praying a further Allowance.

The foregoing Petition of Andrew Belcher Esq^r being read and considered

Resolved That the Prayer thereof be so far granted, as that there be and is hereby granted unto the Petitioner his heirs and Assigns forever, Two thousand acres of the unappropriated Lands of this Province to be laid out in four distinct Tracts by a Surveyor and Chainmen on Oath, and Plans thereof returned to this Court within twelve months for confirmation this to be in full satisfaction of the thousand Acres and the two hundred and fifteen Acres mentioned in said Petition now taken into the Government of New Hampshire by the late running of the Line between that Government and this Province, and in full satisfaction also of the great charge and expence of defending the Provinces Title to the two Tracts of land granted to the late Governor Belcher deceased one lying in Abington and the other in Rehoboth, and in full satisfaction also of every other article mentioned in said Petition, excepting the Guns and their appurtenances which the Petitioner hath received full satisfaction for already. Provided the Petitioner do give a good Deed of Release and Quitclaim of the abovementioned Lands taken into New Hampshire as aforesaid, to this Province. [*Passed June 10.*]

Legislative
Records of the
Council, xxiv.,
423.

House Jour-
nal, p. 59.
Ante, p. 145,
chap. 341.

CHAPTER 49.

RESOLVE GRANTING £4 ANNUALLY ADDITIONAL TO MOSES HOYT.

Legislative
Records of the
Council, xxiv.,
424. Mass.
Archives,
lxxx., 204.

House Jour-
nal, p. 58.
Province
Laws, xv., 62,
chap. 142.

A PETITION of Moses Hoyt of Newbury Setting forth That He was a Soldier in the pay of the Province at the Reduction of Louisbourg in 1745, and was so disabled by a shot of the Enemy's from supporting himself by his Labour that the General Court after making him sundry Grants at length settled upon him a Pension of Four pounds *per annum*; that one foot has been wasting ever since and is now intirely gone to the heel, and has been very painful and occasioned him considerable expence for Surgeons no longer ago than the last Winter, And Praying a further Allowance.

Read and

Resolved that the Prayer of the Petition be So far Granted as that there be allowed & paid out of the publick Treasury to the Petitioner the Sum of four pounds *per annum* (in addition to the four pounds already allowed him:) Dureing the pleasure of this Court the four pound added to Commence from the 10th of this Instant June. [*Passed June 10.*]

CHAPTER 50.

VOTE ACCEPTING REPORT OF COMMITTEE APPOINTED TO SELL NINE TOWNSHIPS IN THE COUNTIES OF HAMPSHIRE AND BERKSHIRE.

Legislative
Records of the
Council, xxiv.,
425. Mass.
Archives,
cxvii., 872, 873.

House Jour-
nal, pp. 60, 61.
Ante, p. 148,
chap. 347;
p. 224, chap. 9.

THE COMMITTEE appointed by the Great and General Court the 17th day of February 1762 for selling nine Townships and ten thousand acres of the Province Lands lying in the Counties of Hampshire and Berkshire to such as would give most for the same on the Conditions mentioned in the Order aforesaid; after giving publick notice of the time and place of Sale attended said Service at Boston the 2^d day of June Instant at the Royal Exchange Tavern in King Street and sold the same at publick vendue to the highest Bidder viz^t

N^o 1. The Township called East Hoosuck of the Contents of six miles square exclusive of Grants already laid out to Nathan Jones of Weston for Three thousand and two hundred pounds and have received of him Twenty pounds Earnest money and taken Bonds of him together with Elisha Jones and John Murray Esq^r for Three thousand one hundred and eighty pounds.

N^o 2. A Township to contain the quantity of six miles square lying between Ashuelot Equivalent so called and the new Township called New Hingham to begin at the Northeast corner of said Ashuelot Equivalent, and from thence on the Easterly side of said Equivalent Southerly six miles, and from thence to extend East twenty degrees South so far as to contain six miles square exclusive of Grants already laid out, to Elisha Jones Esq^r for fourteen hundred and sixty pounds, and have received of him Twenty pounds and taken his Bond together with Oliver Partridge Esq^r for Fourteen hundred and Forty pounds.

N^o 3. A Township to contain the Quantity of six miles square lying between Ashuelot Equivalent so called and the New Town-

ship called New Hingham, to bound Easterly on the Westerly line of the last mentioned Township to square off six miles from said given Line, to Aaron Willard Esq^r for eighteen hundred and sixty pounds, and have received of him Twenty pounds, and taken bond of said Willard together with John Worthington and Timothy Dwight jun^r Esq^s for Eighteen hundred and forty pounds.

N^o 4 A Township lying East of New Framingham to begin at the Northeast Corner of New Framingham, thence Southerly on the Line of said Township until it meets with the Line of Ashuelot Equivalent so called; thence in the line of said Equivalent to the Northeast corner thereof; thence East twenty degrees South so far as to make the Contents of six miles square, to Noah Nash for Fourteen hundred and thirty pounds, and have received of him twenty pounds and taken his Bond together with Oliver Partridge Thomas Morey, William Williams and Josiah Chauncy for Fourteen hundred and ten pounds.

N^o 5. Another Township to join West on the East line of the last mentioned Township lying East of new Framingham to extend East twenty degrees South to square off at Right angles to make the contents of six miles square, to John Cummings for eighteen hundred pounds, and have received of him twenty pounds and taken his bond together with Charles Prescott, Thomas Jones, Samuel Minot, Tilley Merriek, Thomas Barret and Samuel Farrer for seventeen hundred and eighty pounds.

N^o 6. A Township to begin at New Framingham Northeast corner, thence Northerly to East Hoosuck South line nine hundred and fifty rods West of East Hoosuck South east corner, thence easterly to the Southeast corner of said East Hoosuck, thence Northerly on the East Line of said East Hoosuck three miles one hundred and seventy rods, thence to extend twenty degrees South so far as to make the contents of six miles square, to Abel Lawrence for Thirteen hundred and fifty pounds, and have received of him Twenty pounds, and taken his Bond together with Charles Prescott Esq^r for Thirteen hundred and thirty pounds.

N^o 7. A Township to adjoin West on the last mentioned Township, which begins at New Framingham Northeast corner, from thence to square off at right angles so far as to make the contents of six miles square, to Moses Parsons for eight hundred and seventy five pounds, and have received of him Twenty pounds, and taken his Bond together with John Ashley and John Chadwick for Eight hundred and fifty five pounds.

N^o 8. A Township to begin at the South east corner of Pittsfield, thence to run South so far as the North Line of Stockbridge, from thence on a strait line to Stockbridge Northeast corner, thence to extend Westerly on Stockbridge line so far as to make the contents of six miles square exclusive of the Grants already laid out, to Josiah Dean for Two Thousand five hundred and fifty pounds, and have received of him twenty pounds and taken bond from him together with Asa Douglass, Timothy Holaboard, John Ashley, Elijah Williams, Aaron Sheldon and John Chadwick for Two thousand five hundred and thirty pounds.

N^o 9. Another Township lying West of Southampton containing about twenty four thousand and seven hundred acres exclusive of Grants and of two hundred and fifty acres now in possession of John Bolton, and bounds North on New Hingham, and to run from the Southwest corner of said New Hingham to the Northeast corner of

N^o 4, thence on the Line of said Number four to the South East corner of said N^o 4. and from thence the same course to Blanford Line, then to bound South on Blanford and Westfield and East on Southampton, to William Williams Esq^r for Fifteen hundred pounds, who gave it up to John Chandler, John Murray Abijah Willard and Timothy Paine, from whom have received Twenty pounds and their Bonds for Fourteen hundred and eighty pounds.

N^o 10. A Tract of land bounded North on the Province Line East on land belonging to Mess^{rs} Green & Walker and Bulfinch, South partly on Charlemont to extend West to make the Contents of Ten Thousand Acres, to Cornelius Jones for Three hundred and eighty pounds, and have received of him Ten pounds and taken his Bond with John Chadwick for Three hundred and seventy pounds.

Amounting in the whole to Sixteen thousand four hundred and five pounds; One hundred and ninety pounds whereof being received is with the Bonds amounting to sixteen thousand two hundred and fifteen pounds delivered to the Province Treasurer as *per* his receipt herewith.

All which is humbly submitted in the name and by order of the Committee

THO^s FLUCKER.

June 10: 1762. Received the money and Bonds as above

H. GRAY Treas^r

Read and Accepted. [*Passed June 11.*]

CHAPTER 51.

RESOLVE AUGMENTING THE GRATUITY TO THE STOCKBRIDGE INDIANS TO £1,500 AND APPOINTING A COMMITTEE TO RECEIVE THE SAME.

Legislative
Records of the
Council, xxiv.,
430. Mass.
Archives,
xxxiii., 218.

House Jour-
nal, pp. 31, 61.
Province
Laws, iv., 700,
note. *Ante*,
p. 225, chap. 10.

In the House of Representatives

Resolved that Eldad Taylor and Tim^o Woodbridge Esq^{rs} with such as the Hon^{ble} Board shall Join be a Com^{tee} to receive out of the province Treasury the gratuity ordered the Stockbridge Indians on the second of June Instant and that the said sum be augmented to fifteen Hundred pounds in the whole & be Disposed of According to the directions of the order of this Court of the Said second of June & that any two of S^d Com^{tee} may receive the S^d money Upon giving bond to the Treasurer for y^e Same

In Council Read and Concurred and John Ashley Esqr is joined in the Affair. [*Passed June 11.*]

CHAPTER 52.

RESOLVE APPOINTING CAPT. NATHANIEL DWIGHT TO SURVEY LANDS IN HAMPSHIRE AND BERKSHIRE COUNTIES.

Legislative
Records of the
Council, xxiv.,
431.

House Jour-
nal, p. 61.
Ante, p. 242,
chap. 50.

ON A MOTION made by several of the Purchasers of the Townships and Tract of Land sold by order of this Court the 2^d of June current. [*ante*, p. 242, chap. 50]

Resolved That Cap^t Nathanael Dwight of Belchertown be, and hereby is appointed to survey the said Lands, as also the remaining unappropriated Lands of the Province in the Counties of Hampshire

and Berkshire and return a plan of the whole to this Court as soon as may be. And that the said Surveyor and the Chainman he may employ shall be under Oath for the faithful discharge of their Trust. [*Passed June 11.*]

CHAPTER 53.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF HAMPSHIRE COUNTY.

THE ACCOUNT of Edward Pynchon Treasurer for the County of Hampshire, being laid before the Court for Allowance.

[Read and]

Ordered That the Account be allowed; and that the Treasurer be discharged of the Sum of Four hundred and two pounds twelve shillings; and that he be further accountable to said County for the ballance, being One hundred and four pounds two shillings and ten pence three farthings. [*Passed June 11.*]

Legislative
Records of the
Council, xxiv.,
431.

House Jour-
nal, pp. 13, 61.

CHAPTER 54.

ORDER ALLOWING £S TO W^M THAYER.

A PETITION of William Thayer Setting forth That he lost his Leg in his majesty's Service in the year 1755 at the taking of Fort Cumberland, in consideration whereof this Court made him a grant in 1760; but as his health is so much impaired otherwise by reason of the Fatigues he then underwent, so that he is reduced to necessitous Circumstances, Praying for further Relief.

Read and

Ordered that the sum of Eight pounds be allowed the Pet^r in full consideration for his services and sufferings within mentioned. [*Passed June 11.*¹]

Legislative
Records of the
Council, xxiv.,
448. Mass.
Archives,
lxxx., 231.

Mass.
Archives,
lxxx., 231.
House Jour-
nal, p. 57.

CHAPTER 55.

ORDER APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

In Council

Ordered That John Osborne, Andrew Oliver, Thomas Hubbard, and Tho^s Flucker Esq^{rs} with Such as the hon^{ble} House shall join be a Committee to repair to the Treasurers in the recess of the Court, and take an Acco^t of the Government Securities which he shall have redeemed, and see them consumed to Ashes; and make report to this Court at their next Session.

In the House of Rep^{res}

Read and Concurd and the Members of the Towns of Boston and Roxbury are Joyned in the Affair. [*Passed June 12.*²]

Legislative
Records of the
Council, xxiv.,
431. Mass.
Archives, civ.,
225.

House Jour-
nal, p. 66.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 15.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 11.

CHAPTER 56.

VOTE ACCEPTING REPORT OF COMMITTEE ON MESSAGE OF THE GOVERNOR RELATIVE TO NOVA SCOTIA BOUNDARY.

Legislative
Records of the
Council, xxiv.,
432. Mass.
Archives, v.,
468.

Mass.
Archives, v.,
467. Legisla-
tive Records of
the Council,
xxiv., 411, 415.
House Jour-
nal, p. 313
(April, 1762);
pp. 48, 50, 69,
Post, p. 252,
chap. 68.

THE COMMITTEE upon his Excellency's Message to both Houses of the 8th Instant having considered the same beg leave to report.

That the two Houses are extremely obliged to his Excellency for his great care and concern for the Provinces Rights Eastward and the method he hath proposed for securing them.

Your committee apprehend no time ought to be lost in ascertaining their Right to that part of it lying between Penobscot and S^t Croix, and therefore that Commissioners be now chosen and appointed to take the necessary Surveys for that purpose: and the rather because there are aged Persons now living who are, and for a long time have been well acquainted with the River S^t Croix, who undoubtedly will when upon the Spot ascertain the identity thereof. Provided nevertheless if agreeable to the proposal of this Court in April last then signified to the Government of Nova Scotia by his Excellency Governor Bernard, his Excellency shall on or before the 1st of August next receive information from that Government that they have appointed Commissioners to join with ours to survey the Bay and River S^t Croix in order to fix the Boundary between Us, that then our Commissioners join with theirs agreeable to the said Proposal and Vote of this Vote.¹ Your Committee humbly apprehend that there ought to be an addition of one at least to the Commissioners, any two to be a Quorum, and that provision be made to enable them to attend said service.

(Signed)

W BRATTLE p order

Read and Accepted. [*Passed June 12.*]

CHAPTER 57.

RESOLVE DESIRING THE GOVERNOR TO DIRECT THE COMMANDING OFFICERS OF REGIMENTS TO INQUIRE ABOUT THE CONDITION OF THE CLOTHING OF THE SOLDIERS THEREOF.

Legislative
Records of the
Council, xxiv.,
433.

Mass.
Archives, ex.,
117, 119. Legis-
lative Records
of the Council,
xxiv., 429, 431.
House Jour-
nal, pp. 63, 64,
69.

THE COMMITTEE of the two Houses appointed on his Excellency's Message of the 11 Instant made report; which Report was read and not accepted, and in lieu thereof the following Order passed the Court Viz'

[Read and]

Resolved That his Excellency the Governor be desired to direct the Commanding Officer of each of the Regiments in the Pay of this Province to make inquiry into the state of the Cloathing in their respective Regiments, and when it is found necessary, to order the Sutlers to furnish such men with such necessaries as they want, at reasonable Rates to be approved of by his Excellency the Governor; and that the cost of such Cloathing be deducted out of the Pay of such Men. And in respect to such as are Servants or Minors, that the Cost be deducted out of the half of the Pay reserved for their respective Masters or Parents. [*Passed June 12.*]

¹ Sic.

CHAPTER 58.

ORDER ESTABLISHING THE PAY OF THE MEMBERS OF THE GREAT AND GENERAL COURT.

In the House of Representatives

Resolved.

That in Consideration of the Extraordinary Expence to which the Members of this Assembly have been subjected to in their present Session, that their Pay should be increased: Therefore

Ordered, That the sum of six Shillings & four Pence be allowed to Each Member of His Majesties Council per Diem for their Attendance and that the sum of five Shillings per Diem be allowed to the Memembers¹ of this House for Their Attendance in the present Session; and that the Rolls be made up accordingly

In Council

Read & Concur'd. [*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
434. Mass.
Archives, l.,
177.

House Jour-
nal, p. 67.

CHAPTER 59.

ORDER ALLOWING £28. 14. 5 TO AARON WILLARD.

A PETITION of Aaron Willard Setting forth That in the year 1758 He received a Commission as Captain, and performed the duty of Captain in that years Campaign, receiving a wound in the service which has rendered him incapable of following his proper business ever since. That in the year 1760. He went into the Service again as Captain; but finds so much stopped on the Roll he then made up as to reduce him to Lientenants Pay only in the year 1758. And Praying that he may be allowed to receive his full Pay without any such deduction.

Read &

Ordered that the prayer of the petition be so far granted that there be allowed & paid out of the publick Treasury to the petitioner the sum of Twenty eight pounds fourteen shillings & five pence In full Consideration of his services & Sufferings within mentioned. [*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
434. Mass.
Archives,
lxxx., 227.

Mass.
Archives,
lxxx., 226.
House Jour-
nal, pp. 53, 66.

CHAPTER 60.

RESOLVE ALLOWING THE ACCOUNT OF THE PROVINCE TREASURER FROM MAY 27, 1761, TO MAY 27, 1762 AND DISCHARGING HIM OF THE SUM OF £399,540. 2. 11.

THE SEVERAL COMMITTEES of the two Houses respectively to whom was referred the examination of the Accompts of Harrison Gray Esq^r Treas^r and receiver General of his Majesty's Revenues within the Province of Massachusetts Bay in New England beginning 27 May 1761 and ending 26 May 1762 reported that they had attended that Service and that upon examination they find them

Legislative
Records of the
Council, xxiv.,
435.

Legislative
Records of the
Council, xxiv.,
395. House
Journal, pp. 43,
44.

¹ *Sic.*

right cast and well vouched, by which it Appears that the said Accomptant charges himself with the sum of £66,372.1.3 being so much due for outstanding debts as represented by his last Accompts; with the sum of £73,916.11.3 the ballance due from him by his last Accompt; with the sum of Seventy seven thousand two hundred sixty five pounds 16/1 a Tax laid on Polls and Estates in the year 1761; with the sum £209,865.12.6 borrowed of sundry Persons by virtue of several Acts of Government; with the sum of £106.13 received of Col^o Jonathan Bagley being so much bounty money he received more than he disposed of; with £113.7.7 received of Cap^t Blake, being the ballance in his hands of moneys he received of Col^o Hunter, with the sum of £21.14 received of his honor Thomas Hutchinson Esq^r being what he received of Isaac Dafforn and Plais-teds Heirs on account of the £100,000 Loan With the sum of £15.16.8 received of Major Goldthwait for bounty he received more than he disposed of. With the sum of £124.11.8 received by virtue of an execution against David Gorham Esq^r for Lands sold Isaac Freeman Esq^r With the sum of £24 received of Cap^t Farrington for Bounty he received in the year 1760 more than he disposed of. With the sum of £43,833 issued in Notes of the new form in exchange for Notes of the old form. With the sum of £16,304.15.2 received of the Collectors of Excise upon spirituous Liquors. With the sum of Nine hundred eighty nine pounds 8/9 received of the Farmers of Excise on Tea and China Ware. With the sum of Sixteen hundred seventy one pounds 19/2 received of several colonels of the militia, bounty money they received more than they disposed of. With the sum of £48 received of Cap^t Howard, which was advanced to him to victual a Scouting Company which was designed for Quebec. With the sum of £81,600 received of sundry Persons for Bills of Exchange drawn on M^r Bollan, With the Sum of £37.8.6 received of Timothy Paine Esq^r for the forfeiture of a Recognizance of Clerk Gibbs. With the sum of £15 received of Cap^t Benjamin Hallowell a return of Bounty. With the sum of £7.8.10 received of Cap^t Peter Parker the ballance of his Accompt. With the sum of £139.16.10 received of Cap^t Goldthwait the ballance of billeting money. receiv'd of two Persons £18 Bounty money returned, with £12.14 for Tax on Casting Vessels, with £79.14.4 received for Fines, With £591.9 received of Cap^t Thomas Goldthwait which he received of General Amherst. With the further sum of £136.9.3 received for Excise. With the sum of £3,320.12/ received of James Russell Esq^r Commissioner of Impost Duties, amounting in the whole to Five hundred seventy six thousand six hundred and thirty one pounds nineteen shillings and ten pence

That the said Accomptant discharges himself of sundry payments & disbursments by order of the Governor with advice of Council amounting to £112,159.6.9. By the redemption of Government Securities amounting to £277,704.4.7. By an abatement made upon several Towns £213.12.1. By 726.13.4 paid the Heirs of the honorable Paul Mascareen in full of his Bond. By an abatement made on the Town of Rutland in the year 1760 £31.1.7. By £8,705.4.7 being one years interest paid on Government Securities, By £76,557.15.4 outstanding Taxes due from the several Towns, which when received to be accountable for, By £100,534.1.7 ballance in hand further to account for: All which sums make Five hundred seventy six thousand six hundred thirty one pounds, nineteen shillings and ten pence.

[Read and]

Resolved That the Treasurer be, and he is hereby discharged of the several payments in the foregoing Account amounting to Three hundred ninety nine thousand five hundred and forty pounds, two shillings and eleven pence. And that he be further accountable for the sum of Seventy six thousand five hundred fifty seven pounds fifteen shillings and four pence outstanding Taxes due from the several Towns when receiv'd. And also for the further sum of One hundred thousand five hundred thirty four pounds one shilling and seven pence ballance in hand. All which sums make Five hundred seventy six thousand six hundred thirty one pounds nineteen shillings and ten pence. [*Passed June 12.*]

CHAPTER 61.

ORDER ALLOWING £2.8.4 TO GIDEON GARDNER.

A PETITION of Gideon Gardner of Boston, Innholder, Setting forth That on the first day of January last one Davis Rogers, a Private in the Pay of the Province, was taken sick of a Fever at his house, and there remained ill 'till the 31st of the same Month month,¹ during which time he was supported at the expence of the Petitioner. And Praying Relief.

Read and

Ordered that the Sum of two pounds eight Shillings and four pence be paid out of the publick Treasury to the Pet^r in full consideration of his Account annexed. [*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
437. Mass.
Archives, cxi.,
529.

Mass.
Archives, cxi.,
528. House
Journal, p. 66.

CHAPTER 62.

ORDER ALLOWING 40/ TO JOS: FORD.

A PETITION of Joseph Ford of Braintree Setting forth That he hath divers times been out in the public Service, and served the last year in Col^o Thwings Regiment at Halifax, in his return from whence he was twelve days at Sea in a very cold Season and had his feet so frozen that he was confined for 3 months afterwards and hath finally lost a joint of his great Toe. And Praying Relief

Read and

Ordered that the sum of forty Shillings be paid out of the publick Treasury to the Pet^r in full. [*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
438. Mass.
Archives,
lxxx., 203.

Mass.
Archives,
lxxx., 202.
House Jour-
nal, p. 67.

CHAPTER 63.

ORDER ALLOWING £5.0.6 TO ED: PRENTICE.

A PETITION of Edward Prentice of Newton Setting forth That his Son William Prentice a Minor served the last year as a Soldier in the Pay of the Province at Halifax, and in his return from thence in December last had his feet froze and landing at cape cod was

Legislative
Records of the
Council, xxiv.,
438. Mass.
Archives,
lxxx., 233.

¹ Sic.

Mass.
Archives,
lxxx., 232.
House Jour-
nal, p. 66.

taken sick at Harwich in his way home, and remained very weak for a long time after, which has put him to more than ten pounds expence. And Praying an Allowance.

Read and

Ordered that the sum of five pounds and Six pence be paid out of the publick Treasury to Thomas Greenwood Esq^r for the Use of the Pet^r in full. [*Passed June 12.*]

CHAPTER 64.

ORDER ALLOWING £76. 0. 3 TO ARCHIBALD SELMAN.

Legislative
Records of the
Council, xxiv.,
438. Mass.
Archives,
lxxvi., 188.

Mass.
Archives,
lxxvi., 186, 190.
House Jour-
nal, p. 69.

A MEMORIAL of Robert Hooper Esq^r in behalf of a number of Inhabitants of Marblehead Setting forth That one of their Fishing Vessels being missing, and two Signals having been on the Isle of Sable in December 1760, They by subscription fitted out a Schooner, Archibald Selman Master to go in quest of their Friends, who proceeded to said Island accordingly where he discovered the Signals of People ashore, and with great difficulty landed, and took off twenty five men, mostly his majesty's regular Soldiers, and landed them at Halifax, where L^d Colvil obliged him to return to the said Island and take off the rest, which he accordingly did and took off 46 more being all that remained alive and carried them to Halifax, eight of which People belonging to Ipswich he brought home and was paid for them, but has not been rewarded for his first Adventure. And as none of the Persons whom he brought off belonged to Marblehead, Praying for Relief from the Government.

Read and

Ordered that the Sum of Seventy Six pounds and three pence be paid out of the publick Treasury to Jacob Fowle Esq^r for the Use of Archibald Selman in full for the service within mentioned. [*Passed June 12.*]

CHAPTER 65.

RESOLVE GRANTING £2,000 FOR A NEW BUILDING AT HARVARD COLLEGE AND APPOINTING A COMMITTEE TO CARRY ON SAID WORK.

Legislative
Records of the
Council, xxiv.,
439.

Legislative
Records of the
Council, xxiv.,
258. House
Journal,
pp. 174, 175, 184,
246, 247 (Jan-
uary, 1762);
p. 68.

In the House of Representatives;

Resolved that there be built, and that the sum of Two thousand pounds be granted and paid out of the Public Treasury to a Committee of this Court appointed to receive the same to be applied towards building a New College at Cambridge of the dimensions of Massachusetts Hall. Provided That the Workman contract and give security to build the same according to the Estimate offered the Court the last year; and that Royall Tyler, John Phillips, James Otis, Thomas Cushing and Andrew Boardman Esq^{rs} with Such as the honorable Board shall join be a Committee to carry the said Work into Execution.

In Council Read and Concurred and Samuel Danforth, William Brattle, James Bowdoin, Thomas Hubbard and James Russell Esq^{rs} are joined in the affair. [*Passed June 12.*]

CHAPTER 66.

VOTE APPOINTING A COMMITTEE TO DETERMINE DAMAGE TO FRAME OF MEETING HOUSE IN DISTRICT OF SOUTH HADLEY.

Voted That Josiah Dwight Esq^r Timothy Dwight Jun^r Esqr & Mr Ebenezer Hunt of Northampton be and they hereby are appointed a Committee to Consider of and determine The Damage done by some of y^e Inhabitants of y^e second parish in South Hadly to the Frame of the Meeting House in s^d District by Cutting down Part Thereof which Damages this Court by their Vote of the 18th of February Last ordered to be determined by a Committee of this Court

And that the s^d Com^{tee} determine what sum shall be allowed to the s^d Second Parish for their proportionate part of y^e Old Meeting in s^d District which by the Order afores^d was to be determined by y^e Same Committee that should determine the Damages afores^d.
[*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
441. Mass.
Archives, xiv.,
329.

House Jour-
nal, p. 71.
Province
Laws, iv., 1034,
Ante, p. 154,
chap. 356;
p. 238, chap. 39.

CHAPTER 67.

RESOLVE IMPOWERING ABNER AND MEHITABLE BROWN, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abner Brown and Mehitable Brown of Brookfield Guardians of John Russell, Solomon Russell, Mary Russell and Absalom Russell, Children of John Russell late of Brimfield deceased and minors Setting forth That the said Children have two Tracts of Land, one in Brimfield of 160 Acres, and another in Hardwicke of 100 Acres; that the said deceaseds personal Estate was expended in paying his debts, and that he was under obligation to pay his mother twenty two shillings ~~per~~ annum. That the said mehitable, mother of the said Children hath been at expence in hitherto providing for them in their infancy; and that the Real Estate is continually impairing. And praying liberty to sell that part thereof lying in Hardwicke consisting of One hundred Acres, for the benefit of the said Children.

[Read and]

Resolved That the Petitioners in their capacity be, and they hereby are empowered to make sale of the Land within mentioned in the Town of Hardwicke for the most the same will fetch, and to execute a good deed or deeds for the same, they observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that out of the interest arising by the sale aforesaid they will pay the sum within mentioned annually so long as they shall be liable to pay it; and the principal and interest remaining be & remain for the benefit of the deceaseds Children agreeable to Law. [*Passed June 12.*]

Legislative
Records of the
Council, xxiv.,
441.

House Jour-
nal, p. 51.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 68.

VOTE APPOINTING A COMMISSIONER TO ESTABLISH THE BOUNDARY
BETWEEN THIS GOVERNMENT AND NOVA SCOTIA.

Legislative
Records of the
Council, xxiv.,
442.

House Jour-
nal, p. 70.
Ante, p. 246,
chap. 56.

THE TWO HOUSES having according to agreement come to the choice of a third Commissioner to Survey the Bay and River of St' Croix in order to fix the boundary between this Government and that of Nova Scotia &c^a It appeared upon sorting the Votes that John Winslow Esq^r was chosen by a majority of Votes. [*Passed June 12.*]

CHAPTER 69.

RESOLVE REMITTING PROVINCE PART OF EXCISE TAX TO ALLAN
MALCOLM.

Legislative
Records of the
Council, xxiv.,
447. Mass.
Archives, cxx.,
426.

Mass.
Archives, cxx.,
425. House
Journal, pp. 21,
76. Province
Laws, iv., 356,
note.

A PETITION of Allan Malcolm of George Town Setting forth That some time the last Fall he inadvertently sold a barrel of Rum to an Innholder lawfully licensed, not knowing that he was in the breach of the Law for so doing. And Praying the compassionate consideration of the Court with regard to the Penalty of the Law which he hath thereby incurred.

[Read and]

Resolved That the Prayer of the Petition be so far granted & that that part of the Penalty which accrues to the Province from said Forfeiture be remitted to the Petitioner. [*Passed June 12.*¹]

CHAPTER 70.

ORDER IMPOWERING DANIEL AND JOHN WOOD TO BRING FORWARD
A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiv.,
245, 434.

Legislative
Records of the
Council, xxiv.,
339. House
Journal,
pp. 236, 237
(February,
1762); pp. 34,
35, 73. Prov-
ince Laws, xi.,
423, chap. 41;
p. 727, chap. 39.

A PETITION of Daniel Wood and John Wood. Setting forth That in 1657, the General Court made a Grant of 200 Acres of land now lying in Brimfield to one Richard Fellows, who in the year 1660 sold the same to Thomas Clark of Boston Merchant: That in the year 1729. the descendants of the said Thomas Clark viz' Lydia Hutchinson and Mary Wolcott petitioned the General Court that a Plan might be taken and the said Land confirmed to them, which was accordingly done in 1733, and the said Hutchinson and Wolcott sold the same to the petitioners in 1733. That in the Year 1755 one Phineas Mirick having got into possession of the said Land, the Petitioners brought their Action of Ejectment against him. which was tried at the Inferior Court in Springfield in August 1756, and Judgment rendered for the Plaintiffs, from which Judgment the defendant appealed to the Superior Court in September then next; there the Appellees not being able to produce the original Deed from Fellows to Clark nor any copy thereof from any Records were stopped in the cause and obliged to give it up without argument or proof. That great inquiry was made among divers public Records

¹ This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 15.

for a copy of said deed, which proved ineffectual 'till in 1761 it was found Recorded in the Records for the County of Suffolk, but the time limited by Law for bringing a Writ of Review was then expired. And Praying liberty to bring forward such Writ at the next Superior Court to be holden in the County of Hampshire.

[Read and]

Ordered That the Report of the Committee thereon be accepted: And that the Petitioners be and they hereby are impowered to bring forward a Writ of Review of the Action in their Petition mentioned at the next Superior Court of Judicature &c^a to be holden at Springfield in the County of Hampshire. And the said Court are hereby impowered to hear and try the same upon the merits of the case, and make up Judgment and award execution thereon. Saving that if the Petitioners should prevail in reversing the last Judgment they shall recover only their own Cost of the two former Courts to be taxed in common form, and shall not be refunded by the Respondent the Cost recovered against them; which the Petitioners are willing to submit to, inasmuch as they did not find the evidence upon which they now depend until since the last tryal of the Action.

[*Passed June 14.*¹

CHAPTER 71.

VOTE DIRECTING THE PROVINCE TREASURER TO DELIVER TO ROYALL TYLER, ESQ^R, A BILL OF EXCH^A TO PURCHASE NAILS, GLASS AND OTHER MATERIAL FOR THE NEW COLLEGE BUILDING.

Voted that the Treasurer pay & deliver to Royal Tyler Esqr the further sum of Five hundred pounds sterling in Bills of Exchange drawn on ye Province Agent to be applied by the sd Royal Tyler Esq^r towards purchasing from England Nails Glass and other materials for the building ye new Colledge in Cambridge which materials the sd Royal Tyler Esq^r has generously offered to procure for ye province free from any advance or profit. [*Passed June 14.*

Legislative
Records of the
Council, xxiv.,
442. Mass.
Archives,
lviii., 474.

House Jour-
nal, p. 74.
Ante, p. 250,
chap. 65.

CHAPTER 72.

ORDER IMPOWERING SARAH SHATTUCK, ADM^S, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Shattuck of Montague in the County of Hampshire Administratrix of the Estate of Samuel Shattuck of said Montague deceased Intestate Setting forth That the deceaseds personal Estate is not sufficient by £51.-.9¼ for the payment of his debts; That the Real Estate consists of one entire Tract of 124 Acres with Buildings thereon apprizd at £208 most of which Land has never been brought under any improvement. And as it would greatly endamage the Estate to sell off a part, Praying that She may have liberty to make Sale of the whole, She to be accountable.

Read and

Ordered That the prayer of the Petition be granted; and that the Petitioner be and hereby is impowered in her capacity to make sale

Legislative
Records of the
Council, xxiv.,
443.

House Jour-
nal, p. 74.
Province
Laws, li., 151,
chap. 10.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is June 12.

of the whole of the Farm of Land within mentioned and Buildings thereon for the most the same will fetch and to execute a good and sufficient deed or deeds of conveyance thereof in the law, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, She giving sufficient caution to the Judge of Probate for the County of Hampshire that the proceeds of such Sale shall be duly applied in the first place to discharge the deceaseds just debts, and the Widow to have one third of the remainder during her Life in lieu of her Dower, and at her decease to revert to the Heirs at law and the other two thirds to be divided among the heirs as the Law directs. [*Passed June 14.*]

CHAPTER 73.

ORDER REFERRING THE PETITION FROM TOWNSHIP NUMBER 4 IN REGARD TO TAXES.

Legislative
Records of the
Council, xxiv.,
443.

House Jour-
nal, p. 69.
Province
Laws, iv., 693,
note.

A PETITION of Eldad Taylor Esq^r in behalf of the Inhabitants of the Township Number 4, in the County of Berkshire Setting forth That there hath been by Law assessed upon the said Inhabitants the sum of £55.6.3 which amounts to 21½^d on the pound besides what the Polls Pay, which is a burden they cannot support under, considering that they had been there but little more than four years when the Tax was laid, during which time they have been a great part employed in making and cleaning Roads not only through their own Town but through the Country to Blanford, that they have also built a Meeting House and settled a minister altho they consist but of Thirty one Families and forty four Polls. And Praying for Relief.

Read and

Ordered That the consideration of this Petition be referred 'till the next Sitting of this Court; and that the Petitioner print the substance thereof in one of the Boston News Papers three weeks successively, that so the delinquent Proprietors may shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the prayer thereof should not be granted so far as it respects them. And that the Assessments upon the within mentioned Plantation be suspended in the mean time. [*Passed June 14.*]

CHAPTER 74.

RESOLVE IMPOWERING CONSTANT SOUTHWORTH, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
444.

House Jour-
nal, p. 75.
Province
Laws, II., 151,
chap. 10.

A PETITION of Constant Southworth of Bridgwater Guardian of the Children of Ebenezer Southworth of Middleborough Setting forth That the only male child of the deceased is deaf and dumb, and like to be incapable of managing the Estate; that the Wood and Fencing Stuff thereof are mostly gone, and the Buildings decayed. And Praying leave to sell the said Estate for the benefit of the deceaseds Children.

Read and

Resolved That the Prayer of this Petition be so far granted as that the Petitioner in his said Capacity of Guardian be and he hereby is authorized and empowered to make sale of the Real Estate mentioned in his said Petition for the most the same will fetch and to make and execute a good and sufficient deed or deeds in Law for conveyance thereof; He observing the directions of the Laws relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Plymouth that the money arising by said Sale be put out at interest for the benefit of said Minors. [*Passed June 14.*]

CHAPTER 75.

ORDER ALLOWING £1.19 TO THO^S EMERSON.

A PETITION of Thomas Emmerson of Reading Setting forth That he had an Apprentice the last Year in the Public Service in Colo^o Thwings Regiment, who on his Return from Halifax in the Month of December was by reason of contrary winds put ashore at Duxborough and there taken sick, which occasioned the Petitioner the charge of a Man and Horse to bring him home, and the expence of a Doctor. And Praying Relief.

Read and

Ordered that the sum of One pound nineteen Shillings be paid out of the publick Treasury to Ebenezer Nicholls Esq^r for the Use of the Pet^r in full. [*Passed June 14.*]

Legislative
Records of the
Council, xxiv.,
445. Mass.
Archives,
lxxx., 234.

Mass.
Archives,
lxxx., 234.
House Jour-
nal, p. 75.

CHAPTER 76.

ORDER ALLOWING £8.2 TO ALEX^S SCOTT.

A PETITION of Alexander Scott, Setting forth That in the Year 1760, his two Sons David and William, both minors, went into the Public Service in the pay of the Province and did their duty through the whole Campaign; but that on their return home they were taken down of the Small pox and one of them died; that by this means the distemper was communicated to the whole Family consisting of seven Persons, which has been very expensive to him and greatly reduced him in his circumstances. And Praying Relief.

Read and

Ordered that the Sum of eight pounds two Shillings be paid out of the publick Treasury to Cap^t Abel Lawrence for the use of the Petitioner in full. [*Passed June 14.*]

Legislative
Records of the
Council, xxiv.,
445. Mass.
Archives,
lxxx., 214.

Mass.
Archives,
lxxx., 214.
House Jour-
nal, p. 74.

CHAPTER 77.

ORDER ALLOWING £3 TO JOHN TOWNE.

Legislative
Records of the
Council, xxiv.,
447. Mass.
Archives,
lxxx., 159.

Mass.
Archives,
lxxx., 159.
House Jour-
nal, p. 71.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of John Town of Topsfield Setting forth That He served as a Soldier in the Pay of the Province in Colonel Willards Regiment, and that upon making up Cap^t Browns Muster Roll there was £3 stopped out of his Wages for not returning his Gun, which was in fact returned, and included in a receipt with divers other Guns returned at the same time. And Praying an Allowance.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to M^r Elijah Porter for the Use of the Petitioner in full. [*Passed June 14.*¹]

CHAPTER 78.

RESOLVE DESIRING THE GOVERNOR TO GRANT COMMISSIONS TO THE PERSONS APPOINTED TO DETERMINE THE BOUNDARY BETWEEN THIS GOVERN^{MT} AND NOVA SCOTIA.

Legislative
Records of the
Council, xxiv.,
446. Mass.
Archives, v.,
469.

House Jour-
nal, p. 313
(April, 1762);
pp. 76, 77.
Ante, p. 246,
chap. 56; p. 252,
chap. 68.

WHEREAS by the Royal Patent to S^r Will^m Alexander the Province of Nova Scotia is bounded by the River S^t Croix to the head thereof and the remotest Western most Branch or Stream and from thence by an imaginary Line to run North to the River S^t Lawrence. And Whereas Will^m Brattle, James Otis and John Winslow Esq^{rs} have been chosen and appointed by this Court to join with such Persons as may be appointed by the Province of Nova Scotia to repair to the said River S^t Croix and to determine upon the place where the said North Line is to begin and to extend the said Line so far as the said Committee shall think necessary and to ascertain the same by marked Trees or other Boundary Marks.

Resolved That his Excellency the Governor be desired to grant a Commission under the Public Seal of the Province to the said Will^m Brattle, James Otis and John Winslow Esq^{rs} to join with Such Persons as may be appointed by the Government of Nova Scotia, and with them to determine and ascertain the Line aforesaid: and in case the said Government of Nova Scotia shall not appoint any Persons on their part for the forementioned Purposes, and his Excellency the Governor be not advised thereof before the first day of August next, that then the Comis^{rs} on the part of this Province proceed on the said business without them: and that his Excellency grant his Commission accordingly. [*Passed June 15.*]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 15.

CHAPTER 79.

VOTE DESIRING THE GOVERNOR TO APPOINT A PUBLIC FAST.

In The House of Representatives

This House taking into Consideration the Frowns of Divine Providence upon this Government with Regard to the Distressing Drought in most parts of it, by which the fruits of the earth are in great Danger of being Cut off

Voted that his Excellency the Governour be desired with the advice of His majestys Councell to Issue a Proclamation appointing a day of Fasting and Prayer¹ to be observed & kept throughout this Province to Humble our selves before God for our sins, to seek to him for Pardoning mercy and for the Removal of the Judgments we are labouring under and That God would Graciously be Pleased to water the Thirsty Earth with Plentifull showers of Rain, Preserve & Revive the decaying Fruits of it and yet Give us a Plentifull Harvest

In Council Read and Concurred. [*Passed * June 15.*]

Legislative
Records of the
Council, xxiv.,
446. Mass.
Archives, xiv.,
330.

Mass.
Archives, xiv.,
331. Executive
Records of the
Council, xv.,
162. House
Journal, p. 77.
Love's Fast
and Thanks-
giving Days
of New Eng-
land, p. 499.

CHAPTER 80.

RESOLVE REMITTING PROVINCE PART OF EXCISE TAX TO MIC^L MALCOLM.

A PETITION of Michael Malcolm of George Town in the County of Lincoln Setting forth That some time the last Fall, he inadvertently sold a barrell of Rum to an Innholder lawfully licenced not knowing he was in the breach of the Law for so doing. And Praying the compassionate consideration of the Court with regard to the penalty which he hath thereby incurred.

[Read and]

Resolved That the Prayer of the Petition be so far granted & that that part of the Penalty which accrues to the Province from said Forfeiture be remitted to the Petitioner. [*Passed June 15.*]

Legislative
Records of the
Council, xxiv.,
447. Mass.
Archives, cxx.,
429.

Mass.
Archives, cxx.,
428. House
Journal, pp. 21,
76. Province
Laws, iv., 356,
note.

CHAPTER 81.

ORDER REFERRING THE PETITION OF JOS: WILLIAMS, ESQ^R, IN REGARD TO TAXES.

A PETITION of Joseph Williams Esq^r Setting forth That He with divers other Proprietors of Gardners canada Township have been at great expence in bringing forward their Settlements, building a Meeting House and settling a Minister, notwithstanding which the General Court was pleased the last year to impose a tax upon them in common with the delinquent Proprietors. And Praying that they may be relieved either by having the said Tax wholly abated or by having it laid on the delinquent Proprietors only.

Legislative
Records of the
Council, xxiv.,
449.

House Jour-
nal, p. 171
(January,
1762); pp. 43,
62, 69. Prov-
ince Laws, iv.,
633, note.

¹ The fast was appointed for July 28, 1762, and was public.

Read and

Ordered That the consideration of this Petition be referred 'till the next Sitting of this Court; and that the Petitioners print the substance thereof in one of the Boston News Papers three weeks successively; that so the delinquent Proprietors may shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted so far as it respects them. And that the Assessments upon the within mentioned Plantation be suspended in the mean time. [*Passed June 15.*]

CHAPTER 82.

RESOLVE ESTABLISHING WAGES AT CASTLE WILLIAM AND RESOLVE FOR BUILDING A MAGAZINE FOR STORING ARMS.

Legislative
Records of the
Council, xxiv.,
450. Mass.
Archives,
lxxx., 241.

House Jour-
nal, pp. 77, 78.

Resolved that there be allowed sixty Men, Officers Included, for the defence of His Majesty's Castle William and that the following Establishment be made for their Wages to Continue Two years Viz^t

For a Captain	£ Annum	56.	3.	10
For one Lieutenant	do	28.	11.	5
For a Chaplain	do	33.	6.	8
For a Gunner	do	33.	6.	8
for a second Gunner	do	33.	6.	8
for one Armourer	£ month	2.	4.	6
for 2 Sergeants	do each	1.	12.	
for 6 Quarter Gunners	do each	1.	12.	0
for 4 Corporalls	do each	1.	9.	4
for 1 Drummer	do	1.	9.	4
for 1 Armourers Mate	do	1.	9.	4
for 41 privates	do each	1.	4.	0

And to Encourage the non Commission officers & privates to Enlist that there be allowed to each able bodied Effective Man (and no others) that shall engage for the term of two-years, to Commence from the time of his Enlistment, a suit of uniform Cloaths which the Province have now in store

Further

Resolved that for the Preservation of the small Arms belonging to the Province that His Excellency be desir'd to Cause a proper Magazine to be built on some part of the Castle Island, as he shall think best, and that to Carry the Building into execution there be A Sum not exceeding One hundred and fifty pounds paid out of the Publick Treasury for that use, into the hands of the Committee for repairing the Castle, and they to be accountable. [*Passed June 15.*]

CHAPTER 83.

ORDER ALLOWING THE COMMITTEE £55.13.6 TO FINISH PROVINCE STABLES.

Legislative
Records of the
Council, xxiv.,
451. Mass.
Archives, l.,
178.

Legislative
Records of the
Council, xxiv.,
451. House
Journal, p. 79.
Ante, p. 33,
chap. 68.

Ordered that the Sum of fifty five pounds thirteen Shillings and Six pence three farthings be paid out of the publick Treasury to the Comm^{ee} app^{ted} to take care of the building the Province Stables it being the ball^a due to the workmen for finishing the said building. [*Passed June 15.*]

CHAPTER 84.

RESOLVE ESTABLISHING WAGES AT FORT POWNALL, FORT HALIFAX
AND STORE HOUSE AT CUSHNOC.

Resolved that the Establishment for Fort Pownall at Penobscot from the 10th day of June 1762 to the 10th day of June 1763 be as follows Viz

For one Lieut	3.	0.	0	Ɔ month
for one Sergeant	1.	10.	0	D ^o
for fifteen privates each	1.	4.	0	D ^o
for one armourer	2.			D ^o

Legislative
Records of the
Council, xxiv.,
451. Mass.
Archives,
lxxx., 240.

House Jour-
nal, p. 78.

And that the Establishment of Fort Hallifax & Store House at Cushnoc for the Term afores^d be as follows viz

For one Lieu ^t	3.	0.	0	Ɔ month
For Two Sergeants each	1.	10.	0	D ^o
For thirteen private each	1.	4.	0	D ^o
for one armourer	2.			D ^o

And that his Excell^y be desired to give orders for the discharge of all others in those Forts. [*Passed June 15.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTH DAY OF SEPTEMBER, A.D. 1762.

CHAPTER 85.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX
COUNTY.

Legislative
Records of the
Council, xxiv.,
458.

House Jour-
nal, pp. 13, 44.

AN ACCOUNT of Daniel Russell Esq^r Treasurer of the County of
Middlesex being laid before the Court for Allowance.

Read and

Ordered That the within Account be allowed; and that the within
named Treasurer be discharged of the Sum of One hundred fifty
eight pounds: sixteen shillings and eleven pence half peny. And
that the said Treasurer be further accountable to said County for
the ballance of said Account being two hundred and three pounds
four shillings and one peny half peny. [*Passed September 8.*]

CHAPTER 86.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN
GOVERNMENT SECURITIES [1760] AND DISCHARGING THE PROVINCE
TREASURER OF THE SUM OF £143,050. 8. 2.

Legislative
Records of the
Council, xxiv.,
459. Mass.
Archives, civ.,
231.

Mass.
Archives, civ.,
229. House
Journal, pp. 66,
88. *Ante*,
p. 245, chap. 55.

THE COMMITTEE appointed to repair to the Treasury and take
an Account of the Government Securities that he has redeemed
and see them burnt to Ashes, have attended that service and have
received of the Treasurer Government Securities payable in June
1760 to the Amount of twenty nine hundred forty four pounds,
eleven shillings and two pence which with the Interest of Four
hundred and seventy five pounds, eighteen shillings and two pence
paid thereon amounts to Thirty four hundred twenty pounds nine
shillings and four pence. Also Government Securities payable in
June 1761 to the Amount of Eleven thousand and ninety pounds,
eleven shillings and eleven pence, which with the Interest of twelve
hundred twenty two pounds one shilling and three pence paid thereon
amounts to Twelve thousand three hundred and twelve pounds, thir-
teen shillings and two pence. Also Government Securities payable
in June 1762 to the Amount of Fifty nine thousand five hundred
eighty nine pounds, eleven shillings and ten pence, which with the
Interest of thirty nine hundred and forty eight pounds, seven shil-
lings and three pence paid thereon amounts to Sixty three thousand
five hundred thirty seven pounds, nineteen shillings and one peny,
Also Government Securities payable in June 1763 amounting to

twenty eight thousand and seventy one pounds, seventeen shillings and eleven pence, which with the Interest of Fourteen hundred and ninety one pounds, eight shillings and three pence paid thereon amounts to twenty nine thousand five hundred and sixty three pounds, six shillings and two pence, Also Government Securities payable in June 1764 amounting to twenty one thousand four hundred and three pounds and eleven pence, which with the Interest of Thirteen hundred ninety four pounds, fourteen shillings and one penny paid thereon amounts to Twenty two thousand seven hundred ninety seven pounds fifteen shillings. Also Government Securities payable in June 1765 amounting to Ten Thousand eight hundred ninety five pounds twelve shillings and one penny, which with the Interest of Five hundred twenty two pounds thirteen shillings and four pence paid thereon amounts to Eleven thousand Four hundred eighteen pounds five shillings and five pence. All which Sums amount to One hundred Forty three thousand and fifty pounds eight shillings and two pence; all which Securities We have seen burnt to Ashes.

Prov: Mass^a Bay

(Signed)

J: OSBORNE *p* Order

Aug^t 20: 1762

Read and

Ordered that this report be accepted and that the Treasurer be discharged of the Sum of one hundred forty three thousand and fifty pounds, eight Shillings and two pence accordingly. [*Passed September 9.*]

CHAPTER 87.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES [1759] AND DISCHARGING THE PROVINCE TREASURER OF £84,186. 4. 5.

THE COMMITTEE appointed to repair to the Treasury, and take an Account of the Government Securities that he has redeem'd and see them burnt to Ashes, have attended that Service and have receiv'd of the Treasurer Government Securities payable in 1759 to the amount of seven hundred twenty six pounds four shillings and eleven pence, which with the Interest of One hundred fifty one pounds ten shillings and seven pence makes Eight hundred seventy seven pounds fifteen shillings and six pence. Also Government Securities payable in 1760 to the Amount of Four thousand nine hundred and ninety seven pounds, nineteen shillings and three pence, which with the interest of nine hundred seventy one pounds ten shillings and nine pence makes Five thousand nine hundred sixty nine pounds ten shillings. Also Government Securities payable in 1761 to the Amount of Twenty two thousand five hundred ninety one pounds seventeen shillings and nine pence, which with the Interest of Three thousand three hundred fifty six pounds twelve shillings and four pence makes twenty five thousand nine hundred and forty eight pounds ten shillings and one penny. Also Government Securities payable in 1762 to the Amount of Twenty four thousand, eight hundred ninety four pounds, nine shillings and seven pence, which with the Interest of Two thousand seventy six pounds five shillings and five pence makes twenty seven thousand one hundred seventy pounds fifteen shillings, Also Government

Legislative
Records of the
Council, xxiv.,
461. Mass.
Archives, civ.,
234.

Mass.
Archives, civ.,
232. House
Journal, pp. 66,
88. *Ante*,
p. 245, chap. 55.
Supra, chap.
86.

Securities payable in 1763 to the amount of Ten thousand five hundred sixty nine pounds twelve shillings and nine pence which with the interest of Six hundred twenty two pounds two shillings and seven pence makes eleven thousand one hundred ninety one pounds fifteen shillings and four pence. Also Government Securities payable in 1764 to the Amount of Seven thousand eight hundred and one pounds five shillings and one penny, which [with] the Interest of Six hundred and eleven pounds seven shillings and eight pence, makes eight thousand four hundred and twelve pounds, twelve shillings and nine pence, Also Government Securities payable in 1765 to the amount of Four thousand three hundred and ninety two pounds fourteen shillings and three pence. which with the Interest of Two hundred twenty two pounds, eleven shillings and six pence makes Four thousand six hundred and fifteen pounds five shillings and nine pence. All which Securities amount to Eighty four thousand one hundred eighty six pounds four shillings and five pence, which we have seen burnt and consumed to Ashes.

Read and

Ordered that this report be accepted and that the Treasurer be discharged of the Sum of Eighty four thousand One hundred eighty Six pounds four Shillings and five pence accordingly. [*Passed September 9.*]

CHAPTER 88.

ORDER GRANTING TO JOSHUA DODGE, JR., LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
462.

House Jour-
nal, p. 87.

A PETITION of Joshua Dodge Jun^r of Beverly, Setting forth That he has been approved by the Selectmen of the said Town for a Retailer of spirituous Liquors and provided himself with a Stock accordingly; which approbation was seasonably sent to the Clerk of the Sessions for the County of Essex; but happened to be mislaid when the Court sat. And Praying for Relief.

[Read and]

Ordered That the Prayer of this Petition be so far granted as that the Justices of the Court of General Sessions of the Peace for the County of Essex be and they hereby are impowered at their next Sessions to license the Petitioner (if they see cause) to be a Retailer of spirituous Liquors in the Town of Beverly, he obtaining the Approbation of the Selectmen of said Town, the time for granting licenses being elapsed notwithstanding. [*Passed September 9.*]

CHAPTER 89.

ORDER ALLOWING £8 TO THOMAS TRACEY.

Legislative
Records of the
Council, xxiv.,
462. Mass.
Archives,
lxvi., 225.

Mass.
Archives,
lxvi., 223.

A PETITION of Thomas Tracy¹ Setting forth, That He was a Sailor on board the Province Snow Cap^t Dowse when she was taken and carried to Louisbourg; that he was from thence sent a Prisoner to France, where he lay in Goal and endured great hardships. And Praying Relief.

Read and

¹ The House Journal, p. 87, reads, "*Thomas Crey.*"

Ordered that the Sum of eight pounds be granted out of the publick Treasury to the Pet^r in full consideration for his Services and sufferings mentioned. [*Passed September 9.*]

House Journal, p. 87.

CHAPTER 90.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

AN ACCOUNT of Joshua Henshaw Esq^r Treasurer for the County of Suffolk dated 26 July 1762 being laid before the Court for their Allowance.

Read and

Ordered That the within account be allowed: And that the Treasurer be and he hereby is discharged of the Sum of One hundred sixty six pounds, sixteen shillings and ten pence, And that he be further accountable to the said County for the ballance of said Account being Seventy two pounds eleven shillings half peny. And also for outstanding debts amounting to Three hundred fifty eight pounds, eight shillings and five pence three farthings, for which the said Treasurer is to account when he shall receive the same. [*Passed September 9.*]

Legislative Records of the Council, xxiv., 463.

House Journal, pp. 13, 86, 87.

CHAPTER 91.

ORDER GRANTING TO JOHN PORTER LICENCE TO SELL STRONG DRINK.

A PETITION of John Porter of Danvers, Setting forth That he now occupies a House in said Danvers wherein his Father now deceased lately dwelt, and had a Licence as an Innholder; That the Licence is now expired, and the neighbouring Inhabitants being desirous that he should retail spirituous Liquors, he hath obtained the approbation of the Selectmen for that purpose; but as the time by Law appointed for granting Licenses is elapsed, he prays that the Court of Sessions next to be holden for the County of Essex may be impowered to licence him accordingly.

Read and

ordred that y^e prayer of this petition be So far Granted as that y^e Justices of y^e Court of General Sestions of the peace for the County of Essex be and are Hereby Impowred; at there Next Sestions to Grant y^e petition^r a Licene to Retail Spirtuous Liquors in y^e Town of Danverse (if they Se fit) he first obtaining y^e aprobation of y^e Selectmen of Said Town y^e time of Granting Licene being Elapsed not withstanding. [*Passed September 9.*]

Legislative Records of the Council, xxiv., 464. Mass. Archives, cxi., 530.

House Journal, pp. 89, 90 bis.

CHAPTER 92.

RESOLVE IMPOWERING SAMUEL ALLEN TO COLLECT TAXES IN GLOUCESTER.

Legislative
Records of the
Council, xxiv.,
464.

House Jour-
nal, pp. 87, 88.
Province
Laws, iv., 441,
note.

IN THE HOUSE OF REPRESENTATIVES Whereas the Selectmen of the Town of Gloucester have represented to this House That William Somes was chosen one of their Constables in the year 1760, and that there was committed to him agreeable to Law a list of Province and Town Taxes to the amount of three hundred and forty nine pounds eight shillings, part of which sum being about Eighty three pounds was collected by said Somes; upon which he failed in his business, all his Estate was attached by his Creditors, and he committed to Goal. Being thus rendred incapable of completing the collection, he constituted and empowered Samuel Allen of said Gloucester by his Power of Attorney to collect the remainder, part of which he said Allen has collected; but inasmuch as it is doubted by many of the Inhabitants whether they are obliged to pay said Allen, and it is also doubted by said Allen whether he be obliged to account for the same.

Therefore

Resolved That Samuel Allen be empowered and he is hereby fully authorized and empowered to collect all such Sums in said Lists which he received from William Somes as are not collected, and that he be obliged to account for the same together with what he has already collected in the same manner as if he had been legally chosen and sworn for that purpose.

In Council Read and Concurred. [*Passed September 9.*]

CHAPTER 93.

VOTE AND ORDER EXTENDING THE TIME FOR DRAWING THE LAND BANK LOTTERY, &c.

Legislative
Records of the
Council, xxiv.,
465. Mass.
Archives, clv.,
237.

Mass.
Archives, clv.,
235. Legisla-
tive Records of
the Council,
xxiv., 399.
House Jour-
nal, pp. 32, 33,
89, 90. Prov-
ince Laws, iv.,
631, note.
Ante, p. 69,
chap. 165.

A PETITION of Joshua Henshaw Esq^r and Others Managers of the Land Bank Lottery, Setting forth, That they have agreed to begin the drawing of the 3^d Class in the said Lottery on the 10th current and have given public Notice accordingly; but that they have upwards of 1,300 Tickets unsold, which is 700 more than they are empowered by Law to place to the Company's Acco^t And Praying the Order of this Court thereupon.

In Answer to the Memorial of Joshua Henshaw Esq^r & others Managers of the Lottery for drawing in the Bills of the late land Bank Company

Voted &

Ordered that the drawing of the third Class in said Lottery be & hereby is postponed & putt off untill Tuesday y^e 28 day of September Current and no longer & that the said Managers in the mean time use their best Endeavors to dispose of the remaining Ticketts & what remains unsold between this time & y^e Compleating the drawing of said Class shall be at y^e risque of said Company they

to have the benefit of y^e prizes arising on such remaining Ticketts & to sustain y^e loss that may happen by them And the Commissioners for finishing said Company's Affairs, in case y^e loss upon y^e Ticketts so placed to y^e Company risque should exceed y^e Profitts of said Lottery, shall & hereby are Empower'd to hire y^e money on Interest to defray such Deficiency & to Enable y^e managers to pay off y^e benefit Ticketts and are also Impowered & hereby directed to assess y^e Partners of said Company for y^e sum so deficient. [*Passed September 9.*]

CHAPTER 94.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

AN ACCOUNT of Samuel Denny Esq^r Treasurer for the County of Lincoln dated 1 June 1762 having been presented to the Court for Allowance.

Read and

Ordered That the above Account be allowed: and that the said Treasurer be discharged of the Sum of One hundred and four pounds, six shillings and six pence. And that a ballance is due to the said Treasurer from said County of Three pounds, eight shillings and three pence. [*Passed September 10.*]

Legislative
Records of the
Council, xxiv.,
467.

House Jour-
nal, pp. 13, 89.

CHAPTER 95.

ORDER ALLOWING £4.3.11 FOR ACCOUNT OF BENJAMIN PARKER.

A PETITION of the Selectmen of Falmouth, Praying that they may receive out of the Province Treasury the Wages due to Joseph Parker late a Soldier, under the command of Cap^t John Small deceased, the said Joseph Parker dying a minor and leaving no Parents living, but a Brother a Person non compos, who is now and probably will continue a Town charge.

[Read and]

Order'd that the Treasurer pay to Fra^s Waldo Esq^r to be by him paid to the Select Men of the Town of Falmouth for the Use of Benjamin Parker a person Non Compos the Sum of Four pounds three shillings & eleven pence being part of Eight pounds ten shillings & six pence that was due to Joseph Parker Brother to the said Benjamin as a Soldier in the province Service in the Company of Cap^t J^o Small in the year 1760. [*Passed September 11.*]

Legislative
Records of the
Council, xxiv.,
468. Mass.
Archives,
lxxx., 250.

Mass.
Archives,
lxxx., 249.
House Jour-
nal, pp. 86, 91.

CHAPTER 96.

ORDER ALLOWING £5 TO EDW. ROSE.

Legislative
Records of the
Council, xxiv.,
470. Mass.
Archives,
lxxx., 259.

Mass.
Archives,
lxxx., 259.
House Jour-
nal, p. 118
(November,
1761); p. 95,
Ante, p. 50,
chap. 116.

A PETITION of Edward Rose of Salem, Setting forth That in November last this Court made him a Grant of Five pounds in consideration of his Sufferings in the Government Service, since which he continues lame and unable to labour, and is like to prove incurable: And Praying further Relief.

Read and

Ordered that the Prayer of the Petⁿ be so far granted as that a Grant of five pounds be allowed and paid out of the publick Treasury to Nathaniel Ropes Esq^r for the Use of the Petitioner. [*Passed September 11.*]

CHAPTER 97.

ORDER ALLOWING BENJ^A DYRE TO DRAW THE MONEY DUE HIS FATHER.

Legislative
Records of the
Council, xxiv.,
470. Mass.
Archives,
lxxx., 256.

House Jour-
nal, pp. 93, 95.

A PETITION of Benjamin Dyre of Braintree, Setting forth That his Father Christopher Dyre was a Soldier in the Pay of the Province in Cap^t Lemuel Dunbars Company; that he dyed in the Service and left no Estate but his Wages, And Praying that he being the only Son of the deceased may be allowed to draw his said Fathers Wages as made up in the muster Roll.

Read &

Ordered, that the Petitioner be allowed to Draw the money, that is made up to his s^d Father Christofer Dyer Dec^d on the aboue Said Cap^t Lemuel Dunbar's muster Rool He giving Security¹ to the Judge of Probate for the County of Suffolk that the same be applied to the payment of the deceaseds just debts if any such should hereafter appear. [*Passed September 11.*]

CHAPTER 98.

ORDER REVIVING THE PETITION OF JOS: WALKER, JUN^R, IN REGARD TO HIS CLAIM TO AN ESTATE.

Legislative
Records of the
Council, xxiv.,
208, 470.

Legislative
Records of the
Council, xxiv.,
240. House
Journal, p. 202
(January,
1762).

A PETITION of Joseph Walker jun^r of Billerica setting forth That by his deed of 7 May 1754, He conveyed to one John Blanchard of Billerica a certain messuage and about 104 Acres of Land in said Billerica and in lieu of the purchase consideration therein mentioned received of the said Grantee a Bond of the penalty of £200 lawful money dated 25 April 1755 conditioned that He would make Sale of the said Lands to the best advantage and account with the Petitioner or his heirs for the proceeds; and the said John by force of said Deed made Sale of the greater part of said land, and there now remains unsold about 24 Acres of land with part of the Buildings, and the said John being dead, the same has been apprized as his Estate at about £54. That he died insolvent having never ac-

¹ The words, "He giving security" &c., to the end of the sentence, are not found in the House Journal.

counted with the Petitioner for what he had sold, That the Commissioners appointed to settle his Estate reported £60 in favour of the Petitioner exclusive of any consideration for what remained unsold which they look upon as the deceased's Estate; And Praying that the Judge of Probate for the County of Middlesex may be authorised and empowered whenever the remainder of the said Estate shall be sold to add the proceeds of the Sale thereof to his former Allowance by the Commissioners; that he may have his just Average of the whole.

Read together with the Answer thereto, And

Ordered That the Judge of the Probate of Wills for the County of Middlesex further lengthen out the time for the Commissioners sitting to examine the Claims on the said deceased's Estate, And the Commissioners are directed to consider the case of the Petitioner; and that upon the said Judges receiving and accepting their report, he proportion said Estate among the Creditors agreeable to Law.

But the said Vote not being then acted on by the other Branches of the Government, the consideration thereof was reassumed and the following Vote passed thereon viz^t

Ordered That the Vote of Council on the within Petition of Joseph Walker jun^r of 9th February last be revived.¹ [*Passed September 11.*]

CHAPTER 99.

ORDER GRANTING TO JOSEPH SECOMBE LICENSE TO SELL STRONG DRINK.

A PETITION of a number of the Inhabitants of the Town of Danvers and other Towns adjoining, Setting forth, That Joseph Secomb hath lately removed into the House of Jeremiah Page which House was licenced the last year, and the said Joseph Secomb hath obtained the approbation of the Selectmen of said Danvers to retail spirituous Liquors but the time appointed by Law for granting Licences is elapsed. And as it would be a great Conveniency to the Town, and the Inhabitants of other places near adjoining that he should carry on the said business, Praying that the Court of General Sessions of the Peace for the County of Essex may be empowered to grant him a Licence accordingly.

Read and in answer

Ordered That the Justices of the General Sessions of the Peace for the County of Essex be, and they hereby are allowed to grant the said Joseph Secomb a Licence (unless they shall see cause rather to licence John Porter of the said Place in consequence of the order of this Court of the 9th Instant) to sell spirituous Liquors He first proposing the approbation of the Selectmen of said Danvers for that purpose, the time for granting Licences being elapsed Notwithstanding. [*Passed September 11.*]

Legislative
Records of the
Council, xxiv.,
471.

Mass.
Archives, cxx.,
436. House
Journal, p. 98.
Ante, p. 263,
chap. 91.

¹ The vote reviving this petition not found in the House Journal.

CHAPTER 100.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF LINCOLN AND
ALLOWING 16/ FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiv.,
474.

House Jour-
nal, p. 99.
Ante, p. 61,
chap. 148.

THE COMMITTEE appointed to Farm out the duties of Excise upon
Tea, Coffee and china ware in the County of Lincoln for the cur-
rent Year made report that they had sold the same to Charles Cush-
ing Esq^r for £27.16. and lodg'd his Bond with the Province Treasurer.
(Signed) SAM^L DENNY p^r order

Read and

Ordered That this Report be accepted: and that the sum of Six-
teen shillings be allowed and paid out of the Public Treasury to
the Committee for their time and expence in the Affair. [*Passed*
September 14.]

CHAPTER 101.

ORDER GRANTING £40 TO LIEU^T GOVERNOR HUTCHINSON.

Legislative
Records of the
Council, xxiv.,
476. Mass.
Archives, 1.,
182.

House Jour-
nal, p. 104.

Ordered That the Sum of Forty Pounds Be Granted and Paid
Out of the Publick Treasury to the Hon^{ble} Thomas Hutchinson
Esq^r in full Consideration for Sundry Services He was Desired to
Perform for the Province, For which He has had No allowance.
[*Passed September 15.*]

CHAPTER 102.

VOTE ALLOWING £6 TO THE WIDOW OF JAMES SMITH.

Legislative
Records of the
Council, xxiv.,
476. Mass.
Archives, 1.,
lxxx., 262.

House Jour-
nal, p. 105.
Province
Laws, xvi., 247,
chap. 89.

WHEREAS there hath been a stoppage of Six Pounds out of the
Pay of James Smith of York & his Son, who were Soldiers in Cap^t
Goodwin's Company in the Year 1758 for two stands of fire-arms
furnish'd by the Government, Since which the said James & his
Son are Dead. and that the said arms are now Ready to be return'd,
Therefore

Voted that the Commis^y Gen^l be & he hereby is directed to re-
ceive the said Two stands of arms & Certify the same to the Treas^r,
the time being elapsed for receiving them notwithstanding and
that the Province Treasurer be & he hereby is directed (upon rec^t
of said Certificate) to pay to the wife of the said James Smith the
money stopped as afores^d. [*Passed September 15.*]

CHAPTER 103.

RESOLVE IMPOWERING JOSIAH KIDDER AND SARAH HIS WIFE AND JOHN WHITE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Josiah Kidder and Sarah Kidder his Wife of Tewksbury, formerly Sarah Kitteridge Administratrix of the Estate of her former husband Daniel Kitteridge Jun^r of said Tewksbury deceased, and of John White of Billerica Guardian to the two Sons of the said Daniel, Setting forth, That the said Daniel died possessed of about fifteen acres of Land and part of a House and Barn standing thereon, and of about fifteen Acres of Woodland and four Acres of Pine Land in the said Town about the value of One hundred and forty pounds which Estate is subject to the Dower of the said Sarah. That her said late Husbands Estate is about ten or eleven pounds in debt and his Son John hath for a long time been under the Doctors hands and is like to be a Cripple all his days, and hath no means whereby to pay the Doctors but by sale of his Share in the said Estate. And Praying that they may be impowered to make Sale of the said Estate for the benefit of those who are interested therein.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioners in their capacity be, and they hereby are impowered to make Sale of the Real Estate within mentioned for the most the same will fetch, and to execute a good and sufficient deed or deeds in the Law of the same, they observing the directions of the Law relative to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probates for the County of middlesex to apply the proceeds thereof in the following manner viz^t That the Interest of one third part thereof be for the use of the said Sarah Kidder during her natural life in lieu of her Dower; and that after the debts are paid the remaining two thirds be divided among the Children of said deceased according to Law. And that at the death of said Sarah the said Third also be divided in like manner among the legal Heirs. [*Passed September 15.*]

Legislative
Records of the
Council, xxiv.,
477.

House Jour-
nal, pp. 105, 106.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 104.

VOTE APPOINTING GUARDIANS FOR THE HASSANAMISCO INDIANS.

THE TWO HOUSES according to Agreement proceeded to the choice of three Persons as Guardians to the Hassanamisco Indians by joint Ballot.

The Votes being brought in, sorted and counted; it appeared that Artemas Ward, Timothy Paine & Ezra Taylor Esq^{rs} were chosen by a Majority of Votes. [*Passed September 15.*]

Legislative
Records of the
Council, xxiv.,
478. Mass.
Archives,
xxxiii., 220.

Legislative
Records of the
Council, xxiv.,
475. House
Journal,
pp. 103, 105, 106.

CHAPTER 105.

RESOLVE ALLOWING £4 BOUNTY TO SOLDIERS ENLISTING FOR THE WINTER SERVICE, &c.

Legislative
Records of the
Council, xxiv.,
478. Mass.
Archives,
lxxx., 260.

Legislative
Records of the
Council, xxiv.,
457. House
Journal, pp. 84,
85, 106, 107.
Province
Laws, xvi., 460,
chap. 245.

Resolved, That Encouragement be given for raising for his Majestys Service during the Winter the number of men requested by Sir Jeffery Amherst, Viz^t at Hallifax three Captains, seven Subalterns, eighteen non-Commissioned Officers, and two Hundred and forty Privates: And at the Westward, three Hundred and twenty three Men, including three Captains and six Subalterns:

That there be a Premium or Reward allowed and paid out of the publick Treasury the Sum of Four Pounds to each Non-Commissioned Officer and Private now in the Service, or that may elsewhere enlist, to continue in said Service until the first Day of May next; and the Establishment for their Pay to be the same as for the present Campaign. [*Passed September 15.*]

CHAPTER 106.

RESOLVE DESIRING THE GOVERNOR TO APPOINT A PUBLIC THANKSGIVING.

Legislative
Records of the
Council, xxiv.,
486. Mass.
Archives, xiv.,
336.

Mass.
Archives, xiv.,
333, 338; l., 180.
Legislative
Records of the
Council, xxiv.,
469 *bis*. House
Journal, pp. 93,
94, 96, 97, 103,
104. Love's
Fast and
Thanksgiving
Days of New
England,
p. 499.

THE HOUSE sensible of the signal mercies of Heaven in delivering the People of this Province in a good measure from the danger they were threatned with by means of the late extream drought sensible also of the great favour granted to His Maj^{ty}s Arms in the reduction of the Island of Martineco and of the strong City of Havannah with their several Dependencies and the great acquisitions there, The successes also granted to His Majesty's Forces in Germany Therefore

Resolved that His Excellency be desired to appoint a day of publick Thanksgiving¹ to Almighty God that so all ranks and orders of Men may in a solemn and religious manner express their gratitude to Heaven on these great and remarkable occasions. [*Passed September 15.*]²

CHAPTER 107.

ORDER ALLOWING 48/ TO JOHN CALL.

Legislative
Records of the
Council, xxiv.,
480. Mass.
Archives,
lxxx., 254.

Mass.
Archives,
lxxx., 253.
House Jour-
nal, pp. 99, 103.

A PETITION of John Call, Setting forth, That he was a Soldier in Cap^t Gideon Parkers Company of Col^o Thwings Regiment, and did duty at Halifax to the 9 November 1761, when he was discharg'd as being in ill health; but that he is by mistake made up in the Roll to the 22^d day of September only, And Praying Relief.

Read and

Ordered that the Sum of forty eight Shillings be paid out of the publick Treasury to the Pet^r in full for his Services within mentioned. [*Passed September 16.*]

¹ The Thanksgiving was appointed for 7th day of October, 1762, and was publick.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is September 17.

CHAPTER 108.

ORDER GRANTING TO ELIJAH PORTER LICENCE TO SELL STRONG DRINK.

A PETITION of Elijah Porter of Topsfield, Setting forth, That He lives on the side of y^e River which contain; two third parts of the Town, in which part of the Town there is no Retailer of Spirituous Liquors, and he hath thereupon been desired to apply for a Licence. And Praying that the Court of General Sessions of the Peace to be holden at Newbury on the last Tuesday of September Instant may be impowered to grant him a Licence for that purpose.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Essex be impowered to grant the Pet^r a Licence to sell spirituous Liquors (if they see cause) He first obtaining the approbation of the Select Men of the Town of Topsfield for that purpose the time for granting Liences being elapsed notwithstanding. [*Passed September 16.*]

Legislative
Records of the
Council, xxiv.,
480. Mass.
Archives, cxx.,
439.

House Jour-
nal, p. 109.

CHAPTER 109.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF NON-RESIDENT PROPRIETORS OF WESTMINSTER IN REGARD TO TAXES.

A PETITION of a number of the Nonresident Proprietors of Westminster complaining of their Lands being sold for the payment of Taxes; and praying relief [*ante*, p. 233, chap. 26]

[Read and]

Ordered That the further consideration of this Petition be referred to the second Wednesday of the next Sitting of this Court; and that all proceedings of the Proprietors Committee respecting the sale of the Lands mentioned be stayed 'till the further Order of this Court. [*Passed September 16.*]

Legislative
Records of the
Council, xxiv.,
481.

House Jour-
nal, pp. 45, 110.
Province
Laws, iv., 341.
Ante, p. 233,
chap. 26.

CHAPTER 110.

ORDER IMPOWERING NATHANIEL SPARHAWK, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Merial Cutting Widow of Abraham Cutting late of Cambridge in the County of Middlesex deceased and Guardian of two of his Children, and Nathaniel Sparhawk Administrators of the said deceaseds Estate, and Guardian of four other of the deceaseds Children Setting forth, That She hath obtained liberty for selling about two third parts of the deceaseds Real Estate for the payment of his just debts; but that apprehending it would greatly endamage the whole thus to sell off a part, She prays leave to sell the whole of the said real Estate; She to account for the proceeds according to Law.

Read and

Legislative
Records of the
Council, xxiv.,
481.

House Jour-
nal, pp. 111, 112.
Province
Laws, ii., 151,
chap. 10.

Ordered That the Prayer of the Petition be granted: and that the Petitioner Nathaniel Sparhawk Administrator of the Estate of Abraham Cutting late of Cambridge deceased be, and he hereby is impowered to make Sale of the whole of the Real Estate of the said deceased and to execute a good and sufficient deed or deeds of the same; he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate of Wills for the County of Middlesex for the payment of the Interest of one third part of the produce of the said Sale to the Widow of the deceased, the remainder to be applied to the payment of the said deceaseds just debts, and the Overplus (if any there be) to be distributed to and among his legal heirs or their Representatives according to Law. [*Passed September 17.*]

CHAPTER 111.

RESOLVE IMPOWERING EUNICE SPYWOOD, INDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
482. Mass.
Archives,
xxxlii., 205.

Mass.
Archives,
xxxiii., 204.
House Jour-
nal, pp. 106, 111.
Province
Laws, xvi., 241,
chap. 76, note.

A PETITION of Eunice Spywood of Natick. Setting forth That her husband some Years since absconded and left her in very distressing circumstances, and has never returned, That she hath submitted to great hardships for the support of herself and Children (who are now all dead) And Praying leave to make sale of twenty Acres, being part of her Lands in Natick, the Fee whereof is in herself, in order to enable her to discharge her debts contracted during her Sickness and the sickness of her Children.

On y^e Petition of Eunice Spywood of Natick in y^e County of Midd^{sex} Indian Woman,

Resolved that y^e Prayer of the Petition be so far granted as that the Petitioner be & hereby is impowered by & with the Consent of the Guardians of s^d Natick Indians to make Sale of thirteen Acres of her Lands in Natick for the most they will fetch & execute a good Deed or Deeds thereof in y^e Law; & that y^e Proceeds coming by s^d Sale to be by them y^e s^d Guardians applied to y^e payment of Doctors Bills & other Charges mentioned in s^d Petition, & y^e remainder to be preserved & improved for her Support the s^d Guardians to be Accountable to this Court for their Doings thereon. [*Passed September 17.*]

CHAPTER 112.

RESOLVE IMPOWERING ALEX^s SHEPARD, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
483.

House Jour-
nal, p. 110.
Province
Laws, li., 151,
chap. 10.

A PETITION of Alexander Shepard of Newtown, Guardian of Robert Child and Margaret Child his Wife, Non compos, Persons Setting forth, That the said Robert and Margaret are seized in Fee of a small dwelling house and Barn and about forty Acres of Land lying in Needham, which are at present of but little advantage to them, That the House and Fences are greatly out of repair, and that the said Robert is about Twenty pounds in debt, And Praying leave to sell the said Estate.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner, in his capacity be and he hereby is impowered to make Sale of the Real Estate within mentioned for the most the same will fetch, and to pass and execute a good deed or deeds to the purchaser or purchasers: he observing the directions of the Law relative to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probates for the County of Middlesex to apply the proceeds thereof for the payment of the said Non compos's debts, and the remainder to be put out on Interest for the support of him and his Family. [*Passed September 17.*]

CHAPTER 113.

RESOLVE CONFIRMING THE VOTES AND PROCEEDINGS OF THE DISTRICT OF GREENFIELD.

A MEMORIAL of the Inhabitants of Greenfield, Setting forth That through misinformation the persons chosen into Office from year to year in the District of Greenfield have never taken the Oath prescribed by Law to qualify them to Act in their respective Offices, and are now informed that all their proceedings as a District are null and void, And Praying the interposition of this Court for establishing the same.

Legislative
Records of the
Council, xxiv.,
483.

House Jour-
nal, pp. 103, 113.

[Read and]

Resolved That the prayer of this Petition be so far granted, as that the Votes and proceedings of the District of Greenfield be and they hereby are confirmed to be as valid to all intents and purposes, as if the Officers from time to time chosen in said District had taken the Oath relative to the Bills of credit of the neighbouring Governments before they entered upon their respective Offices, Provided That such Votes & Proceedings in all other respects have been agreeable to Law. [*Passed September 17.*]

CHAPTER 114.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF ELD^d TAYLOR, ESQ^r, IN BEHALF OF TOWNSHIP N^o 4, IN REGARD TO TAXES.

A PETITION of Eldad Taylor Esq^r in behalf of the Inhabitants of Township N^o 4, Praying relief with respect to their Taxes [*ante*, p. 254, chap. 73] and referred.

Legislative
Records of the
Council, xxiv.,
484.

Read and

Ordered That the further consideration of this Petition be referred 'till the second Wednesday of the next Sitting of this Court, and all Assessments imposed by the Province and County are suspended in the meantime. [*Passed September 17.*]

House Jour-
nal, pp. 69, 114.
Province
Laws, iv., 693,
note. *Ante*,
p. 254, chap. 73.

CHAPTER 115.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF JOS: WILLIAMS, ESQ^s, IN BEHALF OF GARDN^{rs} CANADA TOWNSHIP IN REGARD TO TAXES.

Legislative
Records of the
Council, xxiv.,
485.

House Jour-
nal, pp. 69, 114.
Province
Laws, iv., 698,
note. *Ante*,
p. 257, chap. 81.

A PETITION of Joseph Williams Esq^r in behalf of the Proprietors of the Township called Gardner's Canada, Praying relief with respect to their Taxes, [*ante*, p. 257, chap. 81] and referred.

Read and

Ordered That the further consideration of this Petition be referred 'till the second Wednesday of the next Session of this Court, and all Assessments imposed by the Province & County are suspended in the mean time. [*Passed September 17.*]

CHAPTER 116.

RESOLVE DESIRING THE GOVERNOR TO GIVE ORDERS TO THE PROVINCIAL OFFICERS TO MAKE RETURN OF THE NUMBER OF COATS NEEDED FOR WINTER SERVICE, &c.

Legislative
Records of the
Council, xxiv.,
485. Mass.
Archives,
lxxx., 263.

House Jour-
nal, pp. 112, 114.

Resolved

That his Excellency be desired to give orders to the Commanding Provincial Officers at the several Posts to make a Return what number of Coats may be necessary for the Soldiers who shall Inlist for the Winter Service, and that upon his Excell^{ty}'s recieving such Return the Commissary be and hereby is directed to Provide a Suitable Coat agreeable thereto, and he is further directed to purchase said Coat upon the best Terms he can, and that they be delivered to the Soldiers at the Prime Cost, the Charges of transportation only Excepted. [*Passed September 17.*]

CHAPTER 117.

ORDER DIRECTING THE SECRETARY TO PREPARE AN ACCOUNT OF THE EXPENSES OF THE EXPEDITION OF 1761.

Legislative
Records of the
Council, xxiv.,
487.

House Jour-
nal, p. 116.

Ordered That the Secretary be directed to prepare in the Recess of the Court an Account of the Expences of the Expedition in the Year 1761 and transmit the same to the Agent as soon as may be. [*Passed September 18.*]

CHAPTER 118.

RESOLVE SETTING OFF CERTAIN PERSONS AND THEIR ESTATES FROM THE FIRST PRECINCT IN LANCASTER TO THE SECOND PRECINCT IN SHREWSBURY.

Legislative
Records of the
Council, xxiv.,
489. Mass.
Archives, xiv.,
335.

A PETITION of Daniel Albert, Levi Moor, Josiah Bennet Bezaleel How, Zebulon Rice, Frederick Albert, Mathias Larkin all of Lancaster in the County of Worcester, Setting forth, That they live at least five miles distant from the Place of Public Worship in the said

Town, and are much more commodiously situated to attend divine service at Shrewsbury, wherefore they have applied to the first Precinct in Lancaster, to which they now belong, to be set off from them, who accordingly granted their Request, and have also applied to the Second Precinct in Shrewsbury to receive them, who have voted to receive them accordingly, And Praying that they with their Lands may be set off from Lancaster and annexed to the second Precinct in Shrewsbury accordingly.

Mass.
Archives, xiv.,
334. House
Journal, p. 111.

[Read and]

Resolved that the Prayer of this Petition be granted and that the Petitioners with their Lands viz^t begining at the northeast Corner of the Second Precinct In Shrewsbury being a heap of stones on a Ledge of Rocks on the East End of Rattle Snake Hill thence west 25. Deg^s north to a Red oak on the River. Bank this Line runs fifty Six Rods north of Daniel Alburts House. thence from s^d Red oaks up the River bounding on it untill it comes to s^d second Precinct in Shrewsbury. thence by s^d Precinct to where it began. be and they hereby are Set off from the first Precinct in Lancaster to the s^d second Precinct In Shrewsbury there to do Duty & receive Priviledges for the future The Petitioners to pay their Proportionable Part of all Precinct Taxes to the first Precinct in Lancaster which are allready granted. And that all the Improved Lands belonging to the Petitioners which the afores^d Lines Cross are to pay Taxes to that Precinct where their Houses Stand. [*Passed September 18.*]

CHAPTER 119.

ORDER ALLOWING £3.10 TO MOSES MORGAN.

A PETITION of Moses Morgan of Groton, a Soldier in the pay of the Province in 1761 in Cap^t Farringtons Company Praying an allowance of sundry expences occasioned by his Sickness upon his return from the Army.

Legislative
Records of the
Council, xxiv.,
490. Mass.
Archives,
lxxx., 252.

Read and

Ordered that the sum of three pounds ten Shillings be paid out of the publick Treasury to Cap^t Abel Lawrence for the use of the Pet^r in full. [*Passed September 18.*]

Mass.
Archives,
lxxx., 251.
House Jour-
nal, p. 117.

CHAPTER 120.

ORDER ALLOWING £6 TO ELIJAH STODDARD.

A PETITION of Elijah Stoddard of Spencer, a Soldier in the pay of the Province in Cap^t McFarlands Company in 1760, Praying an allowance for his Gun which he lost in the Service, and the Expence and loss of time occasioned by his being taken ill of the Small Pox in his return home.

Legislative
Records of the
Council, xxiv.,
490. Mass.
Archives,
lxxxix., 697.

Read and

Ordered that the sum of Six pounds be paid out of the publick Treasury (exclusive of his Gun) to Cap^t John Brown of Lecicester in full for the Use of the Petitioner. [*Passed September 18.*]

Mass.
Archives,
lxxxix., 697.
House Jour-
nal, p. 117.

CHAPTER 121.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GREAT
AND GENERAL COURT.

Legislative
Records of the
Council, xxiv.,
490. Mass.
Archives, I.,
183.

Ante, p. 247,
chap. 53.

Resolved that in Consideration of the extraordinary expence, which the Members of this Court are subject to in Their attendance thereon. Therefore

Ordered that the sum of six Shillings & four Pence be allowed to each Member of His Majesties Council per Diem for Their attendance; and the sum of five Shillings per Diem be allowed to each member of the House for their attendance untill the further Order of this Court, and that the Rolls be made up accordingly.¹
[*Passed September 18.*]

¹ Not found in the House Journal.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWELFTH DAY OF JANUARY, A.D. 1763.

CHAPTER 122.

ORDER IMPOWERING JOSEPH OTIS, ESQ^R, AND ABIGAIL STURGIS, ADM^{AS},
TO SELL REAL ESTATE.

A PETITION of Joseph Otis Esq^r and Abigail Sturgis both of Barnstable Administrators of the Estate of Samuel Sturgis late of Barnstable deceased, Setting forth, That the said deceased dyed Insolvent: and as the Superior Court (to which they ought to apply) will not sit till May, Praying that this Court would enable them to sell the deceaseds Real Estate (reserving to the Widow her right of dower) to enable them to pay the just debts of the deceased, so far as the proceeds thereof will go.

Read and

Ordered That the Petitioners in their capacities of Administrators of the Estate of Samuel Sturgis late of Barnstable deceas'd be, and they hereby are impowered to make sale of the whole of the deceaseds Real Estate for the payment of his just debts save the Widow her right of dower therein; and also to make Sale of the reversion of the Widows dower (if they see cause) for the purpose aforesaid: they observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Barnstable to account for the proceeds of the said Sale according to Law.
[*Passed January 13.*]

Legislative
Records of the
Council, xxiv.,
499.

House Jour-
nal, p. 128.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 123.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF
LINCOLN TO EXTEND THE TIME FOR ENTERING CLAIMS AGAINST
AN ESTATE.

A PETITION of Francis Waldo Esq^r in behalf of the heirs of the late Brig^{dr} Waldo Setting forth, that John Blythen late of Harpswell in the County of Lincoln being in debt to the said Brig^{dr} Waldos Estate by bond of 3^d Aug^t 1752, £67.4 lawful money, dyed about a year ago and his Estate was represented insolvent, which but lately came to the Petitioners knowledge who immediately thereupon presented their Claim but the time for receiving the same being elapsed, they will be excluded unless relieved by this Court. And Praying

Legislative
Records of the
Council, xxiv.,
500.

House Jour-
nal, pp. 125, 126.

that the Judge of Probate for the County of Lincoln may be empowered to direct the Commissioners to receive the Claim of the Petitioners that so they may receive their dividend of the deceaseds Estate.

Read and in Answer

Ordered That the Judge of Probate of Wills &c for the County of Lincoln be and he is hereby empowered to lengthen the time for the Creditors to the said Blythen's Estate to bring in their Claims to Commissioners appointed for that purpose the term of three months from this time, the time limited by law being elapsed notwithstanding. [*Passed January 13.*]

CHAPTER 124.

ORDER GRANTING TO GEORGE ANDREWS LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiv.,
501.

House Jour-
nal, pp. 127, 128.

A PETITION of George Andrews Setting forth That he hath bought a Farm in Westborough, and that the House he is about to live in hath been for many years past licensed as a Tavern; And Praying that the Court of General Sessions of the Peace for the County of Worcester at their next Session may be empowered to grant him a license for that purpose.

[Read and]

Ordered That the Justices of the General Sessions of the Peace for the County of Worcester be authorized to grant the Petitioner a License (if they see cause) to keep a public House of Entertainment in the House mentioned. Provided the Petitioner first obtain the approbation of the Selectmen of Westborough for the Service, the time for granting licenses being elapsed notwithstanding. [*Passed January 13.*]

CHAPTER 125.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £79,520. 1. 1.

Legislative
Records of the
Council, xxiv.,
501.

House Jour-
nal, p. 127.
Ante, p. 245,
chap. 55.

TREASURERS OFFICE Dec. 18. 1762. The Committee appointed to repair to the Treasurer's and take an account of the Government Securities in his hands and see them burnt and consumed to Ashes have attended that service and have received of M^r Treasurer Gray Notes payable in June 1760, the principal Nine hundred twenty two pounds thirteen shillings and six pence; the interest paid thereon One hundred fifty pounds fourteen shillings and fourpence makes Ten hundred seventy three pounds seven shillings and ten pence. Also Notes payable in June 1761 the principal Eleven hundred thirty five pounds, twelve shillings and nine pence, the interest paid thereon One hundred sixty seven pounds thirteen shillings and eleven pence makes thirteen hundred and three pounds, six shillings and eight pence. Also Notes payable in June 1762, the Principal Eight thousand and ninety six pounds and two pence, the Interest thereon Six hundred twenty six pounds ten shillings and seven pence makes Eight thousand seven hundred twenty two

pounds ten shillings and nine pence. Also Notes payable in June 1763, the principal Seventeen thousand seven hundred and twenty seven pounds three shillings and five pence, the Interest paid thereon Eleven hundred twenty seven pounds seven shillings and eleven pence, makes Eighteen thousand, eight hundred fifty four pounds eleven shillings and four pence. Also Notes payable in June 1764, the principal twenty thousand and nineteen pounds two shillings and six pence, the interest paid thereon twelve hundred seventy four pounds three shillings and one penny makes twenty one thousand two hundred and ninety three pounds five shillings and seven pence. Also Notes payable in June 1765, the principal Nineteen thousand six hundred and thirty one pounds seven shillings and three pence, the interest paid thereon Eleven hundred sixty four pounds, eleven shillings and seven pence makes Twenty one thousand seven hundred ninety five pounds, eighteen shillings and ten pence. Also Notes payable in June 1763 of the new form the Principal seven thousand two hundred, seventy one pounds, the Interest paid thereon Two hundred and six pounds and one penny makes seven thousand four hundred seventy seven pounds and one penny, all which Securities amount to seventy nine thousand five hundred and twenty pounds, one shilling and one penny, which we have seen burnt and consumed to Ashes.

J OSBORNE *per* Order

Read and

Ordered That this Report be accepted and that the Treasurer be discharged of the sum of seventy nine thousand five hundred and twenty pounds one shilling and one penny accordingly. [*Passed January 13.*]

CHAPTER 126.

ORDER DIRECTING ROLAND COTTON, ESQ^r, TO RETURN £6. 4. 4 INTO THE TREASURY.

A MEMORIAL of Roland Cotton Esq^r of Sandwich, Setting forth That upon his Petition to the Court in 1761, they made him a Grant of Eight pounds for the use of the Widow of James Bristow an Indian who was taken Prisoner at Fort William Henry while in the pay of this Government That he accordingly paid out of the said money thirty five shillings and eight pence to discharge a debt of the said James Bristow and for the use of the Widow; but finding that she had misrepresented her case to him, he has stopped payment of the remaining Sum. And Praying the directions of the Court concerning it.

Read and

Ordered That the Memorialist be directed to return into the Treasury the Sum of Six pounds four shillings and four pence, which sum with the charges and payments abovementioned amount to the Sum of Eight pounds received by the memorialist out of the Treasury as within mentioned. [*Passed January 14.*]

Legislative
Records of the
Council, xxiv.,
503.

House Jour-
nal, pp. 129, 130.
Ante, p. 237,
chap. 37.

CHAPTER 127.

ORDER IMPOWERING JOHN LEWIS TO SELL SHARES IN LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
504.

House Jour-
nal, pp. 132, 133.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Lewis of Barnstable, Grandson and one of the Coheirs of Ebenezer Lewis late of said Barnstable deceased setting forth, That his said Grandfather devised to him and his three Brothers a small Tract of rough Land containing about forty Acres exclusive of Swamp, lying in Rochester which is not fit to make a Settlement, and lyes at a great distance from them. That he is Guardian to Josiah and James abovementioned, And praying that he may be empowered to sell the said Land, as he has now an advantageous Offer for it.

Read and

Ordered That the prayer of this Petition be granted, and that the Petitioner John Lewis be, and he hereby is impowered to make Sale of the Shares of Josiah & James Lewis in the Lands mentioned in the said Petition for the most the same will fetch, and to execute a good deed or deeds of conveyance thereof; He observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Barnstable to improve at interest that part of the proceeds of said Sale accruing to the said minors, and to apply the interest thereof towards their support and Education; & duly to account for the principal Sum & for their proceedings herein. [*Passed January 15.*]

CHAPTER 128.

RESOLVE IMPOWERING MARY CLARK, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
505.

House Jour-
nal, pp. 130, 131.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Mary Clark, Widow and Administratrix of the Estate of her late Husband Robert Clark of Lunenburg deceas'd, Setting forth, That the said deceaseds Estate is indebted to sundry persons £104.4.10 that he left three Children two of which are of age, and the youngest, who is the only Son, is now more than nineteen years of age. That the personal Estate consists of such Articles as are necessary for the use of the Family, and must break it up, if disposed of: that he dyed siezed of sundry unimproved Tracts of Land in Lunenburg and Townshend. And Praying leave to sell such part of the same as shall be sufficient to discharge the debts aforesaid.

[Read and]

Resolved That this Petition be so far granted as that the Petitioner in her said capacity be, and is hereby fully authorized and impowered to make sale of so much of the unimproved Lands belonging to the Estate of her late Husband Robert Clark deceas'd as may be sufficient for the payment of his just debts, the charge attending the sale thereof, and of her Administration; She observing the directions of the law relating to the sale of Real Estates by Executors and Administrators and giving sufficient cau-

tion to the Judge of Probate for the County of Worcester that the money arising by said Sale be applied for the purposes aforesaid.
[*Passed January 15.*

CHAPTER 129.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

AN ACCOUNT of Robert Luscombe, Treasurer for the County of Bristol, having been presented to the Court for Allowance.

Read and

Ordered That the within Account be allowed, and that the said Treasurer be hereby discharged of the sum of One hundred forty one pounds fourteen shillings & seven pence half penny. And that he be further accountable to said County for the ballance of Account being Seventy pounds, sixteen shillings and ten pence half penny. [*Passed January 15.*

Legislative
Records of the
Council, xxiv.,
505.

House Jour-
nal, pp. 13, 132.

CHAPTER 130.

RESOLVE IMPOWERING JAMES CARTER AND SARAH HIS WIFE, ADM^s, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Carter and Sarah his Wife formerly Sarah Gilson Administratrix of the Estate of her late Husband Jonas Gilson late of Lunenburgh deceas'd, Setting forth, That the deceaseds debts amount to £25.13.10½, and that his Real Estate lying in Lunenburgh was appriz'd at £67. that the same is much out of repair, and as a part of it must be sold and as the deceaseds two Children are young, the eldest being but about five years of Age. Praying that she may have leave to sell the whole of the said Real Estate, they to be accountable.

[Read and]

Resolved That the Prayer of this Petition be so far granted that the Petitioners be and are hereby fully authorized and empowered to make sale of the Real Estate within mentioned for the most the same will fetch, and to execute a good deed or deeds in law of the same, they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, giving also sufficient caution to the Judge of Probate for the County of Worcester that the monies arising from the Sale thereof shall be applied as follows viz^t that the use of one third thereof be paid annually to the said Sarah Carter in lieu of her right of Dower in her late Husband Jonas Gilson's Estate now deceased, and that the just debts of the said Jonas be paid out of the remainder; the Overplus (if any there be) to be improv'd at interest, and the interest applied towards the education and support of the said two Children, and the principal paid to them when they shall arrive at lawful Age, or to their legal Representatives as also the other third hereby assigned to the Widow, after her decease. [*Passed January 17.*

Legislative
Records of the
Council, xxiv.,
506.

House Jour-
nal, p. 133.
Province
Laws, ii., 131,
chap. 10.

CHAPTER 131.

ORDER ALLOWING £3 TO JOSEPH MUXAM.

Legislative
Records of the
Council, xxiv.,
507.

House Jour-
nal, p. 133.

A PETITION of Joseph Muxam of Bridgewater, Setting forth That he served the last Winter at Crown Point as a Soldier in the pay of the Province, and that being sent out on the Lake in order to bring in some provisions, he was by reason of the severity of the Season so frozen as that he has lost several of his Toes, whereby he is in a great measure disabled from Labour. And Praying an Allowance.

Read and

Ordered That the Sum of Three pounds be allowed and paid out of the public Treasury to Daniel Howard Esq^r for the use of the Petitioner in full for his Sufferings mentioned. [*Passed January 17.*]

CHAPTER 132.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
507.

Mass.
Archives,
lxxx., 245, 246,
262½, 266, 271,
272, 273. House
Journal, p. 137.

In the House of Representatives.

The House entered into the consideration of Sick and wounded Soldiers and the following Orders passed thereon viz^t

Ordered that the sum of Four pounds and one peny be granted out of the Public Treasury to Joseph Williams Esq^r for the use of Zebadiah Farnum in full.

Ordered That the sum of Four pounds and four shillings be granted out of the Public Treasury to Roland Cotton Esq^r for the use of Richard Launderers in full.

Ordered that the sum of Three pounds four shillings be granted out of the Public Treasury to Cap^t John Brown of Leicester for the use of Joseph Trumball in full.

Ordered That the sum of One pound nineteen shillings be granted out of the Treasury to Edward Hartwell Esq^r for the use of Daniel Kitter in full.

Ordered That the sum of Four pounds be granted out of the Public Treasury to Edward Hartwell Esq^r for the use of Martha Steward in full.

In Council Read and Concurred. [*Passed January 17.*]

CHAPTER 133.

ORDER IN REGARD TO MAKING UP OF MUSTER ROLLS, &c.

Legislative
Records of the
Council, xxiv.,
508.

House Jour-
nal, pp. 126, 134,
135. *Ante*,
p. 133, chap.
312.

In the House of Representatives

Ordered That the Captains or Commanding Officers of Companies who were raised by this Province in the Year 1762 for the security of his Majesty's Dominions and the Possession of his Conquests in North America both at the Eastward and Westward be allowed the Pay of twenty five days after their return to their respective homes for making up their muster Rolls, also for their travell to Boston in order to present the same for allowance, allowing twenty miles for a days travel, and that they be allowed to stop in a distinct column

what they have advanced in Cash for their Men; and also for such necessaries as they have supplied them with, or given their Orders for before the Sutlers arrived in the camp; also for such things as were absolutely necessary for their return home, and for what the said Men were indebted for the purchase of any deceased Soldiers Cloaths by them bought, and not being contrary to the Orders under which they acted: and also in a distinct Column what is due from the Men to the Sutlers: the Accounts of such Officers and Sutlers being first laid before a Committee of this Court for their inspection, that in behalf of said men they may make Objections to any charge for supplies which they may judge unreasonable, and that Col^o Phillips, Col^o Clap, Maj^r Humphry, Col^o Frye, Cap^t Bacon, M^r Foster of Plymouth M^r Goldthwait, Cap^t Brown of Newbury and General Winslow with such as the hon^{ble} Board shall join be a Committee for that purpose, any three of them to be a Quorum. Provided also that there be no greater stoppage made out of the wages of minors or Servants than one half of the same, exclusive of the Cloathing and other Supplies advanced by this Government; and also that fair copies of all such accounts be lodged with the Treasurer for the inspection of the Soldiers before any payment be made on the muster Rolls to the Sutlers who have any Allowance made them thereon, Provided also if any Soldier shall be unjustly charged in any of said Accounts either by the Officer or Sutler such officer or Sutler shall be liable to the Action of such Soldier, the determination of the Committee of this Court as aforesaid notwithstanding.

Also

Ordered That the several Captains and Commanding Officers in making up the muster Rolls of their respective Companies shall not only conform to the Establishment for the Wages both of the Officers and Soldiers, carefully distinguishing who are minors or Servants, and to whom they belong, but shall also make up those that are dismissed until their return into this Province, with allowance of so many days more as to carry them to their respective homes, accounting fifteen miles for a days travel; and those that are not dismissed and remain still in the service at the Westward until the first day of November last, and those that still remain in the Service at the Eastward until the first day of November last; and that there be a Column in said Muster Rolls, setting forth what is due to each man for billeting home at the rate of two pence sterling per day, accounting fifteen miles for a days travel from their entering into the Province to their respective homes.

And Whereas many of said Soldiers were subsisted in their way home by the Taverners and Others on the credit of the Government.

Therefore

Ordered That before such Soldiers shall receive any part of what shall be due to him on said Roll for billeting he shall make Oath before some Justice of the Peace in the Province or before the Province Treasurer, who is hereby empowered to administer the same, that he hath not taken up so much upon the credit of the Province in his return home as is due to him for billeting, in that case he shall receive the ballance.

AND WHEREAS many Soldiers who deserted have been apprehended and afterwards joined their respective companies.

Ordered That the charges of apprehending said Soldiers, and sending them to their companies be deducted out of the said Sol-

diers Wages and that a Stoppage be made in the Muster Roll accordingly.

In Council Read and Concurred and Samuel Watts and William Brattle Esq^s are joined in the Affair. [*Passed January 18.*]

CHAPTER 134.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxiv.,
509.

House Jour-
nal, p. 138.
Province
Laws, iii., 64,
chap. 32.

WHEREAS divers of the Justices of the General Sessions of the Peace, and Inferior Court of Common Pleas which by law are to be held at Worcester in and for the County of Worcester on the first Tuesday of February next are members of this Court; and the Affairs of the Province now depending may require their attendance thereupon at the same time.

Ordered that the Courts aforesaid that are by Law to be held at Worcester aforesaid on the first Tuesday of February next, be and hereby are adjourned to the second Tuesday of May next, then to be holden at Worcester in and for the County of Worcester at ten of the clock in the forenoon of said day; And all Pleas, Writts, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and all other thing and things whatsoever returnable or having day or days in the said Courts shall stand abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good, effectual and available to all intents and purposes whatsoever, as if said Courts had been held and kept on the day by Law for holding the same, and no adjournment of them had been made. [*Passed January 18.*]

CHAPTER 135.

ORDER ALLOWING £8 ANNUALLY TO THE TOWN OF TRURO.

Legislative
Records of the
Council, xxiv.,
510.

House Jour-
nal, pp. 20, 21,
36, 146. Prov-
ince Laws, iv.,
631, note.

A PETITION of Elkanah Paine and Others a Committee of the Town of Truroe, Setting forth, That since the valuation taken the last year There has been great damage done by the Frosts and high winds the last Winter, whereby the best of their Lands, meadows and Beaches have been overwhelmed with the Sands some parts of which are buried more than eighteen inches therewith. And Praying to be relieved in their Taxes.

Read and in answer to this Petition

Ordered, That the sum of Eight pounds be annually paid to the said Town of Truro out of the Public Treasury until the next valuation through the Province to enable them to keep their Beaches and extraordinary Fences in repair, and to enable them to pay their Province Tax. [*Passed January 18.*]

CHAPTER 136.

ORDER GRANTING TO STE: KENT LICENCE TO KEEP AN INN.

A PETITION of Stephen Kent, Setting forth, That he hath lately hired a House in Roxbury which hath for many years been occupied as a Tavern, and was not long since improved as such by one Goddard; that the Selectmen of Roxbury have approved of him for an Innholder. And Praying that the Court of general Sessions of the Peace for the County of Suffolk may be impowered at their present Session to grant him a License for that purpose.

Legislative
Records of the
Council, xxiv.,
510.

House Jour-
nal, p. 142.

Read and

Ordered That the Justices of the General Sessions of the Peace for the County of Suffolk be impowered to grant the Petitioner a License (if they see cause) to keep Tavern in the House mentioned Provided the Petitioner obtain the approbation of the Selectmen of Roxbury for that service. [*Passed January 18.*]

CHAPTER 137.

RESOLVE IMPOWERING MER^M WALKER, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Meriam Walker, Administratrix of the Estate of Elisha Walker late of Taunton deceased, Setting forth, That the said Estate is in debt £47.19.3½ which money being on Interest, and the Superior Court not to sit in said County 'till October next, Praying that this Court would empower her to make sale of so much of the Real Estate, as will enable her to discharge the said debts.

Legislative
Records of the
Council, xxiv.,
511.

House Jour-
nal, pp. 141, 142.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner Meriam Walker be and is hereby authorized and impowered to make sale of so much of the deceaseds real Estate not exceeding the value of Sixty pounds, as with the personal Estate shall be sufficient to pay his just debts and the charge and expence attending the said Sale, and to execute a good deed or deeds of the same, observing the directions of the Law relating to the sale of Real Estates by Executors or Adminors and giving sufficient caution to the Judge of Probate for the County of Bristol that the money arising by the Sale thereof shall be applied to the purposes aforesaid. [*Passed January 18.*]

CHAPTER 138.

ORDER ALLOWING £60 AND A FURTHER SUM OF £22 TO ROB^T BALL.

A PETITION of Robert Balls Keeper of the Light house, Setting forth, that his 29th year of keeping said Light house expired on the 19th of Nov^r last, for which last year he hath received no recompence, and that he has advanced the sum of Twenty two pounds for Firewood for the benefit of the Light. And Praying a reimburs-

Legislative
Records of the
Council, xxiv.,
511.

House Jour-
nal, pp. 139, 142.

ment of the said sum and an allowance for his Service. And as the price of Provisions hath been very high, and he has had the misfortune to lose two stout negroes men, Praying that the same may be considered.

Read and in answer,

Ordered That the sum of Sixty pounds be granted and paid out of the Public Treasury to the Petitioner for his Service as keeper of the Light house for one year ending the 19th day of November last, and the further sum of Twenty two pounds, expended by him for Firewood. [*Passed January 18.*]

CHAPTER 139.

RESOLVE IMPOWERING EZRA HOUGHTON, GUARDIAN, TO SELL LANDS, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
512.

House Jour-
nal, pp. 140, 141.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Ezra Houghton of Lancaster Guardian to Joseph Brabrook and Hephzibah Brabrook, Minors Children of about three and four years of age, of William Brabrook late of Lancaster deceased, Setting forth, That he hath advanced for cloathing and boarding said minors £9.5.10 and hath agreed further for the same at the rate of 1/7½ *p* week. That the real Estate of said minors consists only of seven acres of Land lying in Lancaster apprized at £23.5.4 which will not rent for more than twelve dollars a year, And Praying that he may be impowered to sell the same to reimburse the said Sum, and for their further Support.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner be, and is hereby fully authorized and impowered to make sale of the Lands therein mentioned for the most the same will fetch, and execute a good deed or deeds in the law of the same, observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that the money arising by the Sale thereof shall be applied to the payment of what is due for the Support of the two Children of William Brabrook deceased therein mentioned, and also for their future maintenance until they shall come of age, and the Overplus (if any there be) then to be divided between them according to Law. [*Passed January 18.*]

CHAPTER 140.

RESOLVE IMPOWERING ELISHA CLARK, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
512.

House Jour-
nal, p. 141.

A PETITION of Elisha Clarke of Harwich, Administrator of the Estate of Judah Hopkins late of Harwich deceased, Setting forth That the Estate of the deceased is in debt £52.9.8 more than his personal Estate will pay. And Praying that he may be impowered to sell so much of the Real Estate as will satisfy said debt.

[Read and]

Resolved That the Prayer of this Petition be so far granted that

the Petitioner Elisha Clarke in his said capacity be and hereby is fully authorized and impowered to make sale of so much of the Real Estate of the said Judah Hopkins deceased, where it will be least prejudicial to the remainder as will be sufficient to pay the said sum of Fifty two pounds 9/8, and the charge attending the Sale thereof shall be faithfully applied to the purposes aforesaid so that the just debts of said Judah Hopkins deceased may be satisfied and paid. [*Passed January 18.*]

CHAPTER 141.

ORDER FOR THE TRANSFER OF APPROPRIATIONS.

Ordered That a Transfer of One Thousand pounds be made from the appropriation of armed Vessels to the appropriation for Grants

That One thousand Pounds be transferred from the same Appropriation to the Appropriation for Forts and Garrisons.

That a Transfer of One thousand pounds be made from the Appropriation of Truck Trade to the Appropriation for the Commissary's disbursements. [*Passed January 18.*]

Legislative
Records of the
Council, xxiv.,
516.

House Jour-
nal, p. 140.
Province
Laws, iv., 460,
chap. 4.

CHAPTER 142.

ORDER IMPOWERING MATHER BYLES, GUARDIAN, TO JOIN WITH OTHER HEIRS IN SALE OF LAND.

A PETITION of Mather Byles, Guardian to his Son Samuel Byles, of Boston Setting forth, That his said Son with his other Children by his late Wife Anna Byles are interested about four fifteenth parts in a piece of Land fronting on Oliver Street near Fort Hill which was the Estate of her Father Oliver Noyes Esq' late of Boston deceased, which Land is under no improvement having no building upon it. And Praying that he may be enabled to make Sale of his said Sons interest therein.

Read and

Ordered That the Prayer of the Petition be granted: and that the Petitioner be, and he hereby is impowered in his capacity of Guardian to his son Samuel Byles to join with the other heirs in the Sale of the Land mentioned; and with them to execute a good and sufficient deed or deeds of the same to such person or persons as shall appear to give the most therefor: He giving sufficient caution to the Judge of Probate for the County of Suffolk to account for the money arising by the said Sale to his Son's share according to Law. [*Passed January 19.*]

Legislative
Records of the
Council, xxiv.,
499.

House Jour-
nal, p. 148.

CHAPTER 143.

RESOLVE IMPOWERING ELIS^A GILBERT, ADM^N, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
513.

House Jour-
nal, p. 142.

A PETITION of Elisabeth Gilbert Widow and Administratrix of the Estate of Uriah Gilbert late of Brookfield Yeoman deceased, Setting forth, That her said Husband had sold to one Thomas Hardy a Lot of Land containing two Acres and received of him the price agreed for, but that he dyed before he had executed a deed of the premisses, And Praying That She may be empowered to execute a deed of the same.

[Read and]

Resolved That the Prayer of this Petition be granted, and that the Petitioner in her capacity be and is hereby fully empowered to make and execute a good deed of Sale of the two Acres of Land therein mentioned unto the said Thomas Hardy his heirs and Assigns according to the agreement of her late Husband Uriah Gilbert deceased with him in his Life time. [*Passed January 19.*]

CHAPTER 144.

RESOLVE IMPOWERING DANIEL KNOWER TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
513.

House Jour-
nal, pp. 139, 140.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Mary Knower of Malden, Daniel Knower and Others Children of the said Mary, Setting forth, That there was set off to the said Mary Knower as her Dower about eight acres of improved Land and four Acres of Wood land and one room in the dwelling house of her late Husband Jonathan Knower deceased Intestate, that by the help thereof, with her own labour She hath supported herself, but is now 75 years of age and almost past her labour. And as the House and Fences are much out of repair Praying leave to make sale of the premisses, and that the Interest of the money it shall sell for may be applied towards her support.

[Read and]

Resolved That the prayer of this Petition be so far granted as that Daniel Knower Son to the Petitioner be, and is fully hereby authorized to make Sale of the Real Estate mentioned in said Petition for the most the same will fetch and to execute good deed or deeds in the Law of the same, he observing the directions of the Law relating to the Sale of Real Estate by Executors or Administrators and also giving sufficient caution to the Judge of Probate for the County of Middlesex that the money arising by the Sale thereof shall be applied to the Support of his mother Mary Knower during her natural Life and the Overplus if any there be, to be divided after her decease to and among her Children or their legal Representatives. [*Passed January 19.*]

CHAPTER 145.

ORDER GRANTING TO CHAS^s WRIGHT LICENCE TO KEEP AN INN.

A PETITION of Charles Wright of East Hoosuck, Setting forth That in May last he removed with his Family into the House near where the Old Massachusetts Fort stood. And as the Road is now much frequented, and there is no licensed House within sixteen miles of him, Praying that he may obtain a License to keep a Tavern in the said House.

Legislative
Records of the
Council, xxiv.,
514.

House Jour-
nal, p. 147.

Read and

Ordered That the Justices of the General Sessions of the Peace for the County of Berkshire be impowered (if they see cause) at their next term to grant the Petitioner a License to keep Tavern the remaining part of the year, the time for granted¹ Licenses being elapsed notwithstanding. [*Passed January 19.*]

CHAPTER 146.

RESOLVE CONFIRMING TO THE SEVERAL PERSONS NAMED IN THE RESPECTIVE LISTS SIX TOWNSHIPS BETWEEN THE RIVER PENOBSCOT AND THE RIVER ST. CROIX.

THE PLAN of Six Townships granted by this Court in February last to David Marsh and Others taken by Benjamin Johnson and Joseph Holt Surveyors, and Jonathan Dresser, Theophilus Mansfield, Jacob Sawyer and Nathanael Johnson, Chainmen on Oath was presented for Allowance. And Thereupon

Legislative
Records of the
Council, xxiv.,
515. Mass.
Archives,
Maps and
Plans, Cata-
logue no. 748.

Resolved that the land described in this Plan including the allowances therein made all the Islands herein described excepted be severally confirm'd so far as this Court lawfully may to the several Persons named in the respective Lists to them and their Heirs. Numbred from one to Six and on file in this Courts Records Provided the lands described in the said Plan do not exceed the number of Acres therein sett forth. The whole remaining subject nevertheless to all the conditions and reservations in the original Grant thereof made. [*Passed January 20.*]

House Jour-
nal, p. 151.
Ante, p. 171,
chap. 401.
Infra, chap.
147.

CHAPTER 147.

RESOLVE EXTENDING THE TIME FOR OBTAIN^g THE CONSENT OF HIS MAJESTY TO THE CONFIRMATION OF THE GRANT OF SIX TOWNSHIPS.

Legislative
Records of the
Council, xxiv.,
516.

Resolved That the time allowed to the Proprietors of the Six Townships at Penobscot to obtain his Majesty's Confirmation of the Grant yesterday made be lengthned eighteen Months from this time. [*Passed January 20.*]

House Jour-
nal, p. 152.
Supra, chap.
146.

¹ *Sic.*

CHAPTER 148.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3 FOR THE USE OF W^M HAWKINS.

Legislative
Records of the
Council, xxiv.,
516.

House Jour-
nal, pp. 150, 155.
Province
Laws, xvi., 247,
chap. 89.

A PETITION of William Hawkins a Soldier in the pay of the Province in 1758 Setting forth That there was a stoppage of Three pounds, made from his Wages in Cap^t Richards's Muster Roll for his Gun not being returned, which Gun he did however return on the 29th of March 1759 to M^r Commissary Hubbard. And Praying that He may receive out of the Treasury the sum so stopped as aforesaid

[Read and]

Ordered That the Prayer of the Petition be granted. And that the Province Treasurer be, and hereby is directed to pay out of the Treasury to Cap^t Jeremiah Richards for the use of the Petitioner the Sum of Three pounds on his producing a Certificate from M^r Commissary Hubbard that the Arms &c mentioned in the Petition have been returned. [*Passed January 20.*]

CHAPTER 149.

ORDER THAT THE SUM OF £21. 9. 8. 1 BE TAKEN FROM THE TAX ON THE PARISH AT NATICK FOR THE YEAR 1762, AND ADDED TO THE TOWN OF NEEDHAM.

Legislative
Records of the
Council, xxiv.,
517.

House Jour-
nal, pp. 151, 152,
155. Province
Laws, iv., 631,
note. *Ante*,
p. 78, chap.
191.

A PETITION of Samuel Moore in behalf of the Selectmen of Natick Setting forth That after the last valuation, the General Court was pleased to set off near one fourth part of the Polls and Estates of Natick and annex them to Needham: and as the Province Tax for 1761 was apportioned by the said valuation the General Court ordered that the sum of £21. 9. 8¼ should be abated to Natick, and added to the Town of Needham, Praying that the like order may take place for the year 1762.

[Read and]

Ordered That the sum of twenty one pounds nine shillings and eight pence one farthing be taken from the Tax laid on the Parish of Natick for the year 1762 & added to the Town of Needham, and that the Assessors of Needham be directed to assess said sum accordingly. [*Passed January 20.*]

CHAPTER 150.

ORDER IMPOWERING JOSIAH DRURY AND OTHERS, GUARDIANS, TO JOIN WITH OTHER HEIRS IN MAKING AND EXECUTING DEED OR DEEDS.

Legislative
Records of the
Council, xxiv.,
517.

House Jour-
nal, pp. 151, 154.

A PETITION of Josiah Drury and Mehitable Drury Widow of Caleb Drury of Framingham deceased Intestate, and Caleb Drury son of said Caleb deceased, Elisabeth Angier Wife of Silas Angier and daughter of said Caleb, Bezaleel Rice and Benjamin Pepper Guardians to the Minor Children Setting forth That the said Josiah

and Caleb were jointly siezed of certain Lands and Tenements which lay in common and undivided between them, which they had divided and improved by certain metes & bounds, but had not executed any Releases or Quitclaims to each other. And Praying that the Guardians of the Minors may be empowered to join with those who are of Age in executing proper Releases, agreeable to the division made as aforesaid.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Guardians of the minors of the heirs of the said Caleb Drury deceas'd be, and they hereby are empowered to join with the other of said heirs in making and executing such deed or deeds of Release as shall to all intents and purposes ratify and make valid in law the division made of the Lands and Tenements as mentioned in said Petition. [*Passed January 20.*]

CHAPTER 151.

ORDER ALLOWING £100 TO NATHANIEL WHEELWRIGHT.

A MEMORIAL of Nathanael Wheelwright Esq^r Setting forth That in 1758 one Robert Hewes laid before his Excellency Governor Pownall in Council a Memorial containing a Charge of the most heinous nature against the Memorialist and his Father since deceas'd, that pursuant to a message from his Excellency to the General Court there was a full hearing had on the Subject, and on the 18 October 1758 it was resolved in Council unanimously that the said Robert Hewes had not in any measure supported his Allegations, and ordered that his memorial be dismissed as groundless, and a Committee of the two Houses was appointed to consider what was proper for the Court further to do in the Affair, but the said Committee have made no Report. And further setting forth That his said Father John Wheelwright Esq^r now deceased had in June 1760 delivered in to the Court a memorial praying an Allowance for sundry Services by him performed as therein particularly mentioned, And Praying that the matters aforesaid may be revived, and acted upon as shall be judged proper.

Read and

Ordered That the sum of One hundred pounds be granted and paid out of the Public Treasury to the memorialist in full consideration for the sundry Services of John Wheelwright Esq^r deceased. [*Passed January 21.*]

CHAPTER 152.

RESOLVE IMPOWERING RACHEL THAYER, ADM^x, TO MAKE AND EXECUTE A DEED.

A PETITION of Rachel Thayer Administratrix of the Estate of Sam^l Thayer late of Mendon deceas'd Setting forth, That on the 6th day of May 1761 the deceased sold unto Samuel White about eighty Acres of Land with a House and Barn thereon for the sum of One hundred pounds for which the said Samuel White gave his

Legislative
Records of the
Council, xxiv.,
519.

House Jour-
nal, pp. 180, 238
(January,
1760); pp. 100,
138, 157.

Legislative
Records of the
Council, xxiv.,
520.

House Jour-
nal, pp. 152, 157.

Notes of hand, yet unpaid; and the deceased gave his Bond to make a deed of the premisses on or before the 6 day of May 1764, And Praying that she may be enabled to make and execute a deed of the same upon payment of the sum agreed for.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner in her capacity upon receiving the money due upon the Notes therein mentioned be, and She hereby is impowered to make and execute a good deed of the Land &c^a in said Petition mentioned to the said Samuel White his heirs and assigns forever; She to be accountable to the Judge of Probate for the County of Worcester for the money so received. [*Passed January 21.*]

CHAPTER 153.

ORDER ALLOWING THE COMMISSIONERS OF INSOLVENCY FURTHER TIME FOR RECEIVING CLAIMS ON AN ESTATE.

Legislative
Records of the
Council, xxiv.,
520.

House Jour-
nal, p. 158.

A PETITION of Roland Cotton Esq^r Setting forth That he is a Creditor to the Estate of George Harrington late of Brookfield deceased, which has been represented Insolvent. That the Commissioners notified the Creditors in the public News papers to bring in their Claims, on sight of which he wrote to Jedidiah Foster Esq^r the Chairman and exhibited his Claim; but his Letter and Account did not come to hand 'till the Commissioners had rendred their Account. And as no distribution has as yet been made of the deceaseds Effects, Praying that his Claim may still be admitted.

Read and

Ordered That the Prayer of the Petition be granted, and the Commissioners are hereby allowed one month from this time to receive any Claims to the Estate within mentioned, the time by Law allowed being elapsed Notwithstanding. [*Passed January 21.*]

CHAPTER 154.

ORDER IMPOWERING SAM^L DENNY, ESQ^R, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
521.

House Jour-
nal, p. 156.
Province
Laws, II., 151,
chap. 10.

A PETITION of Samuel Denny of George Town, Setting forth That his daughter Rachel Denny is entitled from her Mother the Petitioners late Wife and from her Brother by the same Mother to part of the Estate of John White late of North Yarmouth deceased that his said daughters right, who is a minor, is small and of little profit, and the Others interested therein are desirous of Selling, but cannot unless the whole Interest is sold intire: And Praying that he may be enabled to make Sale of his said daughters Right in the premises

[Read and]

Ordered That the Petitioner Samuel Denny Esq^r (in his capacity of Guardian) be and hereby is impowered to make sale of the Lands mentioned for the most the same will fetch, and to execute a good and sufficient deed or deeds therefor, he observing the directions

of the Law with respect to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Lincoln to account for the proceedings of such Sale as soon as said Minor shall come of Age. [*Passed January 21.*]

CHAPTER 155.

ORDER ALLOWING COL^O RICHARD SALTONSTALL TO STOP FROM THEIR WAGES 18/ FOR EACH BLANKET DELIVERED TO THE SOLDIERS.

A MEMORIAL of Richard Saltonstall, Colonel of one of the Provincial Regiments, Setting forth, That upon finding the Blankets given to the Troops in the Spring almost worn out, he took care to see that each man who reinlisted to stay the Winter should be furnished with one amounting in the whole to two hundred ninety eight, which Supply was furnished at the request of the Officers. And Praying that Stoppages may be made for the Amount of said Blankets.

Read and

Ordered That the Memorialist be allowed a Column for stopping eighteen shillings for each Blanket delivered the two hundred and sixty four in the Rolls now to be made up for their payment; and a Column for the same purpose in the Rolls for the payment of the thirty four which are to be made up at the expiration of the time they inlisted for. [*Passed January 22.*]

Legislative
Records of the
Council, xxiv.,
522.

House Jour-
nal, pp. 145, 146,
160.

CHAPTER 156.

ORDER DIRECTING THE PROVINCE TREASURER TO DISCHARGE THE SEVERAL CONSTABLES OF THE TOWN OF WRENTHAM OF THE SEVERAL SUMS COMMITTED TO THEM FOR COLLECTION FROM 1751 TO 1760 INCLUSIVE.

A PETITION of Timothy Metcalf of the Town of Wrentham Setting forth That since the Year 1751 the Town of Wrentham has been assessed to the Province Tax for such of their Inhabitants as were by the late running of the Line betwixt this Government and Rhode Island annexed to the latter, every year 'till the taking of the last valuation 1761, which several Assessments amount in the whole to £337.15.3¾ and which they were restrained from collecting by order of the General Court, notwithstanding which the Town lyes lyable to the Province Treasurers Executions, And Praying that they may be discharged of said sum.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Treasurer be and he is hereby directed and ordered to discharge the several Constables of the Town of Wrentham from the Year 1751 to 1760 inclusively, of the several sums committed to them by the Assessors of said Town to collect from the Polls and Estates that were seperated from them by the running of the Line between this Government and Rhode Island, amounting in the whole to Three hundred and thirty seven pounds fifteen shillings and three pence three farthings. [*Passed January 22.*]

Legislative
Records of the
Council, xxiv.,
522.

House Jour-
nal, p. 317
(April, 1762);
p. 160. Prov-
ince Laws, iv.,
442, note; xiv.,
297, chap. 92;
389, chap. 322.

CHAPTER 157.

RESOLVE THAT THE SIX TOWNSHIPS BETWEEN THE RIVER PENOBSCOT AND THE RIVER ST. CROIX BE CONFIRMED TO THE PERSONS ON THE LISTS AS AMENDED.

Legislative
Records of the
Council, xxiv.,
523.

House Jour-
nal, p. 162.
Ante, p. 289,
chap. 146.

In the House of Representatives

Whereas by a Vote of this Court passed in this House the 19th Instant and concurred in Council the 20th and consented to by the Governor certain Townships as described in a Plan to which the said Vote is annexed are confirmed to several persons named in the respective Lists as upon File in this Courts Records: And Whereas divers persons originally named in the said Lists filed did not comply with the terms of the Grant by giving Bond as required, and other names have been supplied in their stead: Therefore

Resolved that it is to be understood and the said Townships are accordingly confirmed to the several persons named in the respective Lists now exhibited as corrected or amended, and whose Bonds are lodged in the Treasurys Office, to them and to their heirs, so far as this Court lawfully may under the limitations and provisoes of the said first mentioned Vote. And that the Secretary be directed to record the Lists now presented in the General Courts Book of Records.

In Council. Read and Concurred. [*Passed January 24.*]

CHAPTER 158.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
524.

House Jour-
nal, p. 161.

THE HOUSE entered into the consideration of the Petitions of Sick and Wounded Soldiers, and the following Votes passed upon them Viz'

Ordered That the Sum of Seven pounds and seven shillings be granted out of the Public Treasury to James Otis Esq^r for the use of William Nickerson in full.

Ordered That the sum of Eight pounds and one shilling be granted out of the Public Treasury to Charles Prescott Esquire for the use of the Petitioner Joseph Hayward in full.

Ordered that the Sum of Seven pounds eight shillings and nine pence be paid out of the Public Treasury to Captain Solomon Peppers for the use of the Petitioner Samuel Smith in full.

Ordered that the sum of two pounds ten shillings be granted out of the Public Treasury to Cap^t Abel Lawrence for the use of the Petitioner Jacob Smith in full

Ordered That the sum of Three pounds thirteen shillings and six pence be granted out of the Public Treasury to Cap^t Woodbridge Brown for the use of the Petitioner Eliakim Briggs in full.
[*Passed January 24.*]

CHAPTER 159.

RESOLVE IMPOWERING THO^S LOVELL, JUN^R, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Lovell Jun^r Administrator of the Estate of George Lovell late of Sutton deceased. Setting forth, That the deceaseds personal Estate is not sufficient to pay his just debts by £14.10.1. That his Real Estate consists of about 40 Acres of Land with the Buildings thereon appraised at £96 That the deceased left five children, the eldest about nine years of age: That selling apart of the Estate would greatly injure the rest, And Praying leave to sell the whole.

Legislative
Records of the
Council, xxiv.,
526.

House Jour-
nal, pp. 166, 167.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner in his capacity be, and he hereby is empowered to make Sale of the Real Estate of the deceased for the most the same will fetch and to pass and execute a good deed or deeds thereof to the purchaser or purchasers, he observing the directions of the Law relative to the Sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Worcester to apply the proceeds of two thirds thereof for the payment of said deceaseds debts and the reasonable charge which has hitherto arisen for bringing up the said Children, as the said Judge shall allow, and the remainder of said two thirds (if any there be) be improved at interest, the interest arising thereon to be employed for the education of the children, and the principal paid to them, that is to say, their several Shares therein, as they shall respectively come of age: the other third to be enjoyed by the deceaseds Widow during her natural life in lieu of her Dower and at her Death to be divided among the legal heirs of said deceased according to Law. [*Passed January 25.*]

CHAPTER 160.

RESOLVE SETTING OFF CERTAIN PERSONS WITH THEIR ESTATES FROM UPTON TO WESTBOROUGH.

A PETITION of Elijah Rice and Solomon Miller of Upton, and Barnabas Newton of Westborough Setting forth That the Petitioners Rice and Miller live in the Western part of Upton in a remote Corner whereby they are deprived of the benefit both of the public Worship and of the School in said Town, and the Petitioner Newton owns a piece of Land in the same Corner sufficient for a Settlement. And having a good Road to Westborough Meeting House they have applyed to said Town to receive them, which was accordingly granted, and the Town of Upton had before upon the Petition of the former Owners of said Lands agreed to set them off to Westborough, Therefore Praying that this Court would set them off accordingly.

Legislative
Records of the
Council, xxiv.,
527.

House Jour-
nal, pp. 156, 163.

[Read and]

Resolved that the Prayer of this Petition be so far granted as that the Petitioners together with their Families, Lands and Estate

lying in Upton containing Two hundred and thirty eight Acres being and lying in a triangular Form bounding on Westborough Line 390 Rods on Grafton line 214 Rods be, and they hereby are annexed to the Town of Westborough there to do duty and receive priviledge for the future. The Petitioners to pay the Town of Upton all Taxes already assessed on them and their Estates. [*Passed January 25.*]

CHAPTER 161.

ORDER REVIVING THE PETITION OF ATHERTON WALES AND OTHERS TO BE SET OFF FROM STOUGHTON AND ANNEXED TO THE THIRD PRECINCT IN BRAINTREE.

Legislative
Records of the
Council, xxiv.,
335, 529.

House Jour-
nal, p. 304
(April, 1762);
pp. 67, 161.

A PETITION of some of the Inhabitants of the Third Precinct in Stoughton in the County of Suffolk Setting forth That they live Remote from the place of Public Worship, in said third Precinct, and have born their proportion of all the Charges arising therein for near ten or twelve Years past, and received no benefit thereby they having attended the Publick Worship in Braintree 3^d Precinct which is much nearer and vastly better travelling, and so have lain under the Burden of Paying two Ministers, Praying they and their Estates may be annexed to the said third Precinct in Braintree, there to receive Priviledge & do duty.

[Read and]

Ordered That the Petition of Atherton Wales and Others of Stoughton praying to be annexed to the third Precinct in Braintree be revived, and that the Petitioners Atherton Wales, Nathanael Wales, David Vinton, Moses Wales, Thomas Penniman, Joseph Lovell and Nehemiah Blanchard, they and their Estates be, and shall be annexed to the third Precinct in Braintree, to do duty and receive priviledge there, two Years from this time, except this Court are fully satisfied within two years that the beforementioned Town Way is well and sufficiently repaired and made feasible and convenient for travelling with Horses, and the aforementioned persons delivered from their present burthens and inconveniencies by reason of the badness of said way. [*Passed January 26.*]

CHAPTER 162.

ORDER WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF DAV^d BALDWIN TO APPEAL FROM A DECISION OF REFERREES.

Legislative
Records of the
Council, xxiv.,
530.

House Jour-
nal, p. 171.

A PETITION of David Baldwin of Sudbury Setting forth That at the Inferior Court of Common Pleas held at Concord in September last Bezaleel Learned of Watertown brought his Action against the Petitioner upon the ballance of Accounts then between them, at which Court the said Action was referred with all demands to the determination of Samuel Livermore Esq^r and Mess^{rs} Alexander Shepard and Jonas Dix who in December last made report that the Petitioner should pay the said Learned the sum of £11.18 and Costs and Judgment was rendered accordingly, by which he apprehends himself injured there being a mistake of £4.18.4 which the Ref-

errees are now sensible of, besides other Errors. And Praying that he may be reheard on the Action, and that the same may be either tried by a Jury or recommitted to the same Referrees.

Read and

Ordered That the Petitioner serve the adverse Party Bezaleel Learned with a copy of this Petition that he shew cause (if any he have) on Friday the 4th day of February next why the Prayer thereof should not be granted: and Execution within mentioned is stayed in the mean time. [*Passed January 26.*]

CHAPTER 163.

VOTE CHOOSING HARRISON GRAY, ESQ^r, PROVINCE TREASURER.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year when Harrison Gray Esq^r was chosen Treasurer and Receiver General for the Province abovesaid by a Major part of the Council and House of Representatives. [*Passed January 26.*]

Legislative
Records of the
Council, xxiv.,
531.

House Jour-
nal, pp. 173, 174.

CHAPTER 164.

VOTE CHOOSING HON^{BLE} THOMAS HUBBARD OFFICER FOR PURCHASE PROVISIONS.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year, when the hon^{ble} Thomas Hubbard Esq^r was chosen the Officer for purchasing Provisions &c for the several Forts and Garrisons, by a Major part of the Votes of the Council and House of Representatives. [*Passed January 26.*]

Legislative
Records of the
Council, xxiv.,
531.

House Jour-
nal, p. 174.

CHAPTER 165.

VOTE CHOOSING JAMES RUSSELL AS IMPOST OFFICER.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year when James Russell Esq^r was chosen Commissioner of Impost by a major part of the Council and House of Representatives. [*Passed January 26.*]

Legislative
Records of the
Council, xxiv.,
531.

House Jour-
nal, p. 174.

CHAPTER 166.

VOTE CHOOSING COLLECTORS OF EXCISE.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year, when the under-written Persons were chosen Collectors of Excise on spirituous

Legislative
Records of the
Council, xxiv.,
531.

House Journal, p. 174.

Liquors &c for the several Counties hereafter mentioned by a major Vote of the Council and House of Representatives.

County of Suffolk	M ^r Thomas Fletcher
County of Middlesex	M ^r John Remington
Essex	Daniel Epes Esq ^r
Hampshire	M ^r Gad Lyman
Worcester	M ^r Levi Willard
Plymouth	M ^r Nathanael Little
Barnstable	Nathanael Stone Esq ^r
Bristol	Thomas Gilbert Esq ^r
Dukes County	James Allen jun ^r Esq ^r
Nantucket	M ^r Tho ^s Arthur
Cumberland	M ^r Theophilus Bradbury
Lincoln	M ^r Thomas Moulton
Berkshire	M ^r Elisha Jones jun ^r

[*Passed January 26.*]

CHAPTER 167.

RESOLVE IMPOWERING ARTH^r S^t CLAIR AND PHOEBE HIS WIFE AND JOHN ELIOT AND SARAH HIS WIFE, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
527.

House Journal, pp. 116, 177.

A PETITION of Arthur S^t Clair and Phœbe his Wife and John Elliot and Sarah his Wife Setting forth That the said Arthur and Phœbe in her right and John and Sarah in her right as heirs and legal Representatives of the Hon^{ble} James Bowdoin Esq^r deceas'd are seizd in common and undivided, with other persons of and in a messuage and Land in Boston, also of a messuage and Tracts of land in Bedford in the County of Middlesex containing about 100 Acres, also of a Tract of Land in Leicester containing 200 Acres, also two Tracts of Land in Spencer, also a Tract of Land in Lancaster containing 78 Acres and four Acres of meadow with Buildings thereon, also a Farm in Brookfield and a Tract of meadow and Swamp there containing ten Acres, also a piece of meadow Land in Springfield about eight Acres, also a Tract of Land in Westfield containing ten Acres, and sundry other pieces of Land within this Province. That the said Estates will not yield near the advantage that can be made by the Sale thereof, and as all the other heirs are desirous of joining with the Petitioners in the Sale thereof, but the said Phœbe and Sarah are not yet of full age, Praying that they may be impowered to make sale of their several Interests in the premisses.

Read and

Resolved That the Prayer of this Petition be so far granted as that the Petitioners be and they hereby are impowered to make sale of their Interest in the within mentioned Real Estate, and to pass and execute a good deed or deeds to the purchaser or purchasers of the same; the said Arthur S^t Clair and John Elliot giving sufficient Security to the satisfaction of the other heirs to pay the value of the respective Shares of the said Phœbe and Sarah to their surviving Brothers and Sisters or their Representatives, or to pay such Survivors such Sum or Sums as they the said S^t Clair and Elliot shall receive for any part of said Real Estate in¹ case either the said Phœbe or Sarah respectively dye before the age of twenty one years and without Issue. And the said Arthur S^t Clair and John Elliot shall also give Security to the satisfaction of the Judge of Probate

¹ See House Journal, p. 177.

for the County of Suffolk to pay (in case the said Phœbe and Sarah respectively shall survive their Brothers and Sisters and dye before the age of twenty one years and without Issue) to the next of kin such Sum or Sums as they shall respectively receive for any part of the said Real Estate to be by them sold by vertue hereof. And the deed or deeds to be executed by the Petitioners shall to all intents and purposes be as valid and effectual in Law as if the said Phœbe and Sarah were arrived to the age of twenty one Years at the time of their executing them. [*Passed January 27.*]

CHAPTER 168.

VOTE CHOOSING NOTARIES PUBLIC FOR ALL COUNTIES.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present Year, which was left unfinished yesterday, when the following persons were chosen Public Notaries for the several Ports hereafter mentioned by a major Vote of the Council and House of Representatives Viz'

Legislative
Records of the
Council, xxlv.,
532.
House Jour-
nal, pp. 175, 176.

For the Port of Boston, . . .	Ezekiel Goldthwait Esq ^r M ^r Ezekiel Price.
For, Salem	John Nutting Esq ^r
Marblehead	John Chipman Esq ^r
Glocester	Daniel Witham Esq ^r
Newbury	William Atkins Esq ^r
Plymouth	Edward Winslow Esq ^r
Barnstable	Solomon Otis Esq ^r
Bristol	Thomas Gilbert and Elisha Tobey Esq ^{rs}
York	Daniel Moulton
Kittery	Charles Chauncey Esq ^r
Wells	M ^r John Wheelwright
Cumberland, ...	Stephen Longfellow Esq ^r
Lincoln	M ^r Thomas Allen
Dukes County	John Norton Esq
Nantucket	Obed Hussey.

[*Passed January 27.*]

CHAPTER 169.

ORDER ACCEPTING REPORT OF COMMITTEE AND DIRECTING THE SECRETARY TO RECORD THE NAMES OF CERTAIN PERSONS AS GRANTEES OF LAND BETWEEN PENOBSCOT & ST. CROIX RIVERS.

THE FOLLOWING REPORT was presented by the Committee appointed for the purposes therein mentioned viz'

The Committee appointed to take bonds of the Petitioners for a Grant of a Township of Land granted to Wait Wadsworth and Others living at or near Duxborough, which Lands are lying between the Rivers Penobscot and St Croix and called N^o 3, in that division have attended that Service, and have taken sixty Bonds well executed for the Sum of Fifty pounds each of three persons viz' twenty two of Francis Shaw fifteen of Nathan Jones, and twenty-three of Robert Gould who appeared to give said Bonds in the room of the Petitioners who refused and neglected to give said Bonds, agreeable

Legislative
Records of the
Council, xxiv.,
533.

Legislative
Records of the
Council, xxlv.,
448 bis. House
Journal,
pp. 169, 170.
Amé, p. 173,
chap. 462;
p. 182, chap.
421.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 25.

to the condition of said Grant, and have delivered the same to the Province Treasurer.

Which is humbly submitted GAM^L BRADFORD by order.

Read and

Ordered That this Report be accepted, and the Secretary is hereby directed to record the names of the abovementioned Persons in the General Courts Books accordingly. [*Passed January 27.*]

CHAPTER 170.

RESOLVE ALLOWING £6 TO JOSEPH CHAMBERLAIN AND HIS WIFE.

Legislative
Records of the
Council, xxiv.,
533.

House Jour-
nal, pp. 168, 171,
172.

A PETITION of Timothy Paine Esq^r Setting forth That one Joseph Chamberlain living upon a Gore of land in the County of Worcester on Connecticut line, and without the Bounds of any Town having represented to the Court of Sessions his poor and distressed Circumstances they made him a Grant of Three pounds for the relief of him and his Wife; but as they are properly a Province Charge the said Court did order the Petitioner to represent the case to this Court. And Praying that they would take the same into consideration and grant such Relief as they shall think proper.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that there be allowed and paid out of the Public Treasury to Edward Davis Esq^r of Oxford the sum of Six pounds to be by him applied and laid out for Necessaries for the subsistence and comfort of the withinmentioned Joseph Chamberlain and his Wife. [*Passed January 27.*]

CHAPTER 171.

RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES, AND APPOINTING A COMMITTEE THEREON.

Legislative
Records of the
Council, xxiv.,
534.

House Jour-
nal, p. 173.
Ante, p. 237,
chap. 163.

In the House of Representatives

Resolved that no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present Year shall be esteemed duly qualified to enter upon the execution of that Office until he shall first have an Oath administered to him for his faithful performance of his said Office; and shall give bond with sufficient Sureties to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty thousand pounds lawful money to three eldest Counsellors in the Province for the time being, who are hereby appointed a Committee in behalf of the Province, and especially authorized for this purpose; which Bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law, and for his rendering an account when and so often as he shall be required by the General Court of all such Sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office or to any other Person that may be appointed by the General Court to receive the same, all such

sum or sums of money as upon such Settlement of his said Account or otherwise shall be found due and payable from him to this Province: provided that the said Bond be put in Suit within two Years next after the date hereof; otherwise to be void and of no Effect: And That Royall Tyler and Thomas Cushing Esq^{rs} with such as the honorable Board shall join, be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council Read and Concurred and Thomas Flucker Esq^r is joined in the Affair. [*Passed January 27.*]

CHAPTER 172.

ORDER IMPOWERING MARTHA CHENEY, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Martha Cheney, mother and Guardian of three Children, minors, with whom she was left by John Cheney late of Roxbury without any means of subsistence Setting forth That she hath with great difficulty supported herself and them for five years, and now by the death of said Cheneys mother a small piece of Land about six Acres has fallen to them, lying in Cambridge but so intermixed with Lands of other heirs that it can be of no advantage to them as to improvement And Praying leave to make sale of the same.

Legislative
Records of the
Council, xxiv.,
535.

House Jour-
nal, p. 179.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of the Petition be granted; and that the Petitioner be and hereby is empowered to make sale of the premisses for the most they will fetch, and to make and execute a good deed or deeds thereof in the Law, She observing the directions of the Law for the Sale of Real Estates, and giving proper caution to the Judge of Probate for the County of Middlesex that the proceeds coming by such Sale shall be secured and the Interest thereof applied to the benefit of the Minors. [*Passed January 27.*]

CHAPTER 173.

ORDER IMPOWERING THE CONSTABLES OF THE DISTRICT OF SPENCER TO COLLECT A MINISTERIAL TAX.

A PETITION of John Eliot and Others Selectmen of Spencer Setting forth that the assessors for the Year 1760 thro' mistake did not assess the Polls in said District so much as the Law directed; that the Collectors to whom the Assessments were committed did notwithstanding collect the greater part thereof, but a small number thô: in general not injured take advantage of said mistake and neglect to pay their respected Rates. And Praying That said Assessment may be confirmed, or that the Assessors may be empowered to amend the same so far as it respects the said delinquent Inhabitants.

Legislative
Records of the
Council, xxiv.,
535.

House Jour-
nal, pp. 131, 172.

[Read and]

Ordered That the Prayer of the Petition be so far granted as that the Constables of the District of Spencer be, and hereby are

impowered to collect the remaining part of the Tax for the Rev^d M^r Eatons Salary on the Assessment that was made in 1760 and enforce the payment thereof according to the direction of the Law, notwithstanding the mistakes mentioned in the Petition. [*Passed January 27.*]

CHAPTER 174.

ORDER ALLOWING £8 TO ABIGAIL DRUCE.

Legislative
Records of the
Council, xxiv.,
536.

House Jour-
nal, pp. 169, 177.

A PETITION of Abigail Druce¹ Widow of Ichabod Druce of Grafton deceased. Setting forth, That the said Ichabod Druce was a Soldier in the pay of the Province in 1758, who being on a Detachment to Lake George was taken Captive and carried to Canada where he remained till the reduction of the place in 1759 when he embark'd to come home, but died on board the Vessel on the 5th November the same Year, And Praying an Allowance.

Read and

Ordered That the Sum of Eight pounds be granted and paid out of the Public Treasury to M^r Solomon Prentice for the use of the Petitioner in full. [*Passed January 27.*]

CHAPTER 175.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF NATHANIEL KELLOGG AND OBADIAH DICKINSON IN REGARD TO BOUNDARY LINES AND APPOINTING A NEW COMMITTEE THEREON.

Legislative
Records of the
Council, xxiv.,
524, 536.

Legislative
Records of the
Council,
xvii. (3), 541;
xxiv., 530, 533.
House Jour-
nal, pp. 156, 171,
182. Province
Laws, iv., 864,
note; xii., 181,
chap. 132; 332,
chap. 160; xlii.,
30, chap. 40; 95,
chap. 198.

A PETITION of Nathanael Kellog and Obadiah Dickinson a Com^{tee} of the Proprietors of Hunts Town Setting forth That in the Year 1736 the General Court made a Grant of a Tract of Land of 6 miles square to the Officers and Soldiers in the Canada Expedition in the Year 1690 of Cap^t Ephraim Hunts Company, a plan of which was returned to the Court and by them accepted 19th Dec^r 1736. That no Plan or Bounds of the Town of Deerfield had then been accepted and settled by the Court, but that afterwards in 1741 the Inhabitants of said Town presented a Plan which was accepted by the Court with the usual provisoes, which Plan running in upon the Plan aforesaid of Hunts Town and cutting off several thousand Acres therefrom, the Proprietors in the Year 1742, petitioned the Court for an Equivalent, and a Grant passed the two Houses for an Equivalent in Land to be laid out West of and adjoining to said Hunts Town; but by some accident did not pass the Chair, And Praying that a Committee may now be appointed to ascertain the Bounds of Deerfield and of Hunts Town according to their original Grants.

The Committee to whom was referred the Petition of Nath^l Kellog and Obadiah Dickinson have met and considered the same (the Petitioners and the Representative of Deerfield being first heard thereon) and beg leave to report that it is convenient that a Com^{tee} be appointed and sent from this Court and fully authorized and impowered to run the Lines and ascertain the Bounds

¹ The House Journal, p. 169, reads, "*Bruce*;" on p. 177, reads, "*Druce*."

between Deerfield and Hunts Town, and Deerfield and the Province Lands adjoining on the West of Deerfield and North of Hunts Town according to the several and original Grants of Deerfield and Hunts Town, and especially to run and fix the dividing Line between said Towns, in order to put and 'end to all disputes between them relative to their Boundary Line (first notifying both said Towns of their running and fixing said Line, that they may be present if they see cause) and make report of their Doings to this Court at their next May Session. The Charges of this Committee to be borne as this Court shall order. All which is submitted

JAMES OTIS *per* order

In Council Read and Accepted, and

Ordered That John Worthington Esq^r with Such as the honorable House shall join be a Committee for the purposes in said Report mentioned, to make report at the next Sitting of this Court, the charge of the said Committee to be borne as the said Court shall order.

In the House of Representatives Read and Concurred and Major Hawley and Major Day are joined in the Affair. [*Passed January 28.*]

CHAPTER 176.

ORDER IMPOWERING THOMAS SPARHAWK AND EDWARD JACKSON, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Sparhawk and Edward Jackson of Cambridge, Setting forth, That the said Thomas is Guardian to Elisabeth Cheney, and the said Edward was Guardian to Benjamin Cheney a Minor late deceased, which said Minors were the Children of Benjamin Cheney of said Cambridge deceased, leaving no Widow, That the debts due from the Estate, and those occasioned by a long languishing Sickness of the deceased Minor amount to £140 that there is no personal Estate, and the Real Estate consists of a House and Barn and twenty five Acres of Land worth about £260 a part of which cannot be Sold but to great disadvantage, And Praying liberty to sell the whole, they to be accountable.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioners in their said Capacity be, and they hereby are authorized and empowered to make sale of the whole of the Land and Premises to as good advantage as may be, and to give and execute a good and sufficient deed or deeds of the same, they attending the directions of the Law relative to the sale of Real Estates by Executors or Administrators and giving due caution to the Judge of Probate for the County of Middlesex that the proceeds of such Sale be applied (so far as is necessary) for discharging the debts in said Petition mentioned, and for defraying other necessary charges, and that the Overplus be put to interest for the support of the surviving Minor and the principal Sum secured for her use and benefit when she shall arrive at lawful age or marriage, and that they account with the said Judge touching their proceedings in the premises, when thereto required. [*Passed January 28.*]

Legislative
Records of the
Council, xxiv.,
537.

House Jour-
nal, p. 183.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 177.

RESOLVE IMPOWERING ANNA CHAFFEE, ADM^x, TO MAKE AND EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
538.

House Jour-
nal, p. 181.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Anna Chaffee of Wales in the County of Hampshire Administratrix of the Estate of her late husband Ephraim Chaffee of said Wales deceased, Setting forth, that the deceaseds personal Estate after the debts are paid amounts to no more than £42.12.1 That he hath two Children under 4 Years of age, that she hath with extreme difficulty supported herself and them since her husbands death for which the Judge of Probate hath allowed her £59.14.6 That her said Husband having purchased the pretended Indian Titles to sundry Rights of Land, afterwards sold the said Rights and gave Deeds of Warranty to the purchasers, and is daily expecting Suits to recover the purchase consideration money. That her said Husband died seized of a new Farm apprized at Ninety pounds, the yearly profit of which is less than twenty shillings And Praying leave to sell the same for the reasons beforementioned.

[Read and]

Resolved That the Prayer of the Petition be so far granted that the Petitioner be allowed and empowered in her capacity to make and execute a good deed or deeds of the Land mentioned, She observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators and giving sufficient security to the Judge of Probate for the County of Hampshire to apply the proceeds of the Sale faithfully as mentioned in the Petition. [*Passed January 28.*]

CHAPTER 178.

RESOLVE IMPOWERING DAN^l AND MARTHA MASON, ADM^x, TO SELL LAND.

Legislative
Records of the
Council, xxiv.,
539.

House Jour-
nal, p. 182.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Daniel Mason and Martha Mason of Westborough which Martha was Widow and Administratrix of Hezekiah Tomling deceased, That the deceaseds debts amounted to as much as the personal Estate, That the House Barn and Fences belonging to him were so much out of repair that the said Daniel Mason hath since his intermarriage with the said Martha built a new Barn on the premises and made other Repairs which will amount to much more than the Rent of the whole will come to before the deceaseds only child, a daughter, will arrive at age, besides which the Estate is subject to the payment of £2 p annum to the deceaseds mother during life. And Praying leave to sell two pieces of Land viz^t one of about 8 or 9 Acres by the Maynards Land, and another of 144 Rods on the East side of Poplar hill, and a small Right in the undivided Lands in Marlborough Property for the reasons before mentioned.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioners Daniel Mason and Martha Mason in their capacity be, and they hereby are empowered to make Sale of the two pieces of Land and right in common withinmentioned for the reasons in

said Petition mentioned for the most they will fetch and to execute a good deed or deeds of the same to the purchaser or purchasers they observing the directions of the Law relative to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to account for the proceeds of said Sale. [*Passed January 28.*]

CHAPTER 179.

RESOLVE IMPOWERING SUSANNA PEABODY, EXECUTRIX, AND THOMAS WILDER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Susanna Peabody Widow and Executrix of Jacob Peabody late of Leominster Physician deceased Setting forth That the deceaseds personal Estate consists only of Household Stuff, which is necessary for the use of the Family, that She hath already been sued for sundry debts for which she hath given Security, and the Estate is still in debt more than £100 That the deceaseds Real Estate consists of a House and Land in Leominster sufficient only for one Living; She therefore prays and Thomas Wilder who is Guardian to three children of the deceased who are minors, and Trustee to Nathanael Peabody the eldest son, who is of age, joins in the request, That they may be impowered to make Sale of the premisses for the benefit of those interested therein.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioners in their capacity be, and they hereby are impowered to join with the eldest Son of said deceased now of age, to make Sale of the whole of the Real Estate of the deceased lying in Leominster for the most the same will fetch, and to pass and execute a good deed or deeds thereof to the purchaser or purchasers; they observing the directions of the Law relative to the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to account for the proceeds thereof in the following manner viz^t for the payment of said deceaseds just debts, and the remainder to be divided among the several heirs in the Will of the deceased mentioned according to their respective Legacies therein given them. [*Passed January 28.*]

Legislative
Records of the
Council, xxiv.,
539.

House Jour-
nal, pp. 181, 182.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 180.

RESOLVE ALLOWING £3.6 TO CAPTAIN W^m SHEPHERD.

A PETITION of William Shepard of Westfield a Captain of a Company in the Pay of the Province in 1760. Setting forth That on the 17 July last he enlisted into the Service one Valentine Ernest as a Soldier, and advanced Three pounds for enlisting money which he has not yet been reimbursed. And Praying Relief.

Read and

Ordered That this Petition be revived and thereupon

Legislative
Records of the
Council, xxiv.,
540.

House Jour-
nal, p. 181.

Resolved That the Sum of three pounds, six shillings be granted and paid out of the Publick Treasury to the Petitioner in full. [*Passed January 28.*]

CHAPTER 181.

RESOLVE IMPOWERING MARY WARREN, ADM^x, TO MAKE AND EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
540.

House Jour-
nal, pp. 169, 170,
171.

A PETITION of Mary Warren of Roxbury Widow, Administratrix of the Estate of her late Husband Joseph Warren deceased, Setting forth That the deceased had bargained with M^r John Holbrook now of Pomfret for one quarter part of Dennison's Bottom so called lying in Roxbury and had received One hundred pounds and six Cord of Wood for the same, but dyed before the deed was executed, And Praying that She may be empowered to compleat the said Bargain by making a deed of the premises.

[Read and]

Resolved That the Prayer of this Petition be so far granted, as that the Petitioner in her capacity be, and She hereby is impowered to make and execute a deed of the deceaseds Right in the within mentioned Estate to the said John Holbrook his Heirs and Assigns forever. [*Passed January 28.*]

CHAPTER 182.

ORDER THAT THE BOND OF BENJ^a BAILEY BE DELIVERED UP.

Legislative
Records of the
Council, xxiv.,
541.

House Jour-
nal, pp. 103, 185.

A PETITION of Benjamin Bayley of Topsfield, Setting forth That he served as a Soldier in the pay of the Province in 1760; but was made up in the muster Roll as a deserter, because he had not proceeded in the Service the foregoing Year, when in ' fact he was prevented by Sickness; and that he hath been obliged to bind himself as a Servant in order to get Bondsmen for repaying the bounty money. And Praying Relief.

Read and

Ordered That the Bond of the abovenamed Benjamin given to satisfy the Province for the Premium which he received, and is now lying in the Treasury be delivered up to him. [*Passed January 28.*]

CHAPTER 183.

ORDER ACCEPTING REPORT OF COMMITTEE AND STAYING ALL PROCEEDINGS IN REGARD TO A TAX ON NON-RESIDENT PROPRIETORS OF DISTRICT OF WESTMINSTER.

Legislative
Records of the
Council, xxiv.,
542.

A PETITION of Hezekiah Gates and Others Proprietors of the District of Westminster, Praying that the proceedings of their Committee in the Sale of Lands for the Nonpayment of Taxes

may be stayed for the reasons therein mentioned [*ante*, p. 233, chap. 26].

The Committee appointed the 20th Instant on the Petition of Hezekiah Gates and others Proprietors of Westminster having made Report, the following Order passed thereon.

Read and Accepted. And

Ordered That the Tax of nine shillings or thereabouts on each Nonresident Proprietors Right in the District of Westminster as mentioned in the Petition of Hezekiah Gates and Others Nonresident Proprietors of the said District be set aside as unreasonable; and that all proceedings in the levying the same be wholly stayed. [*Passed January 29.*]

House Journal, pp. 45, 110, 156, 188, 189.
Province Laws, iv., 342, note. *Ante*, p. 233, chap. 26; p. 271, chap. 109.

CHAPTER 184.

RESOLVE RESERVING 200 ACRES OF LAND FOR THE USE OF DUDLEY INDIANS AND IMPOWERING THE HEIRS OF WILLIAM DUDLEY TO SELL THE REMAINDER OF THE TRACT UNDER CONDITIONS.

A PETITION of the Guardians of the Indians in the Town of Dudley together with the heirs of the honorable William Dudley Esq^r deceased Setting forth, That the said William Dudley Esq^r in his Life time by Indenture leased to said Indians one mile square in the Town of Dudley so long as they should continue to plant and improve the same, which Land has been in their possession for thirty years past, and little improvement made thereon, and as they are now mostly Females, the said quantity of Land is not like to be of great use to them hereafter. That they are much in debt for Doctors and the Necessaries of Life and the Guardians have not wherewithal to discharge the said debts. And Praying That two hundred Acres only of said Land may be reserved for the Indians, and that in consideration of the sum of Two hundred pounds to be paid by the said heirs the remainder may revert to them, the money to be employed, so far as is necessary for the payment of the debts of the said Indians, and the Overplus improved at interest for their benefit.

Legislative Records of the Council, xxiv., 543.

House Journal, pp. 179, 183, 184. Province Laws, xvi., 241, chap. 76, note.

[Read and]

Resolved That this Petition be so far granted, as that there be reserved the quantity of two hundred acres of Land within mentioned for the use of the within mentioned Indians and their heirs so long as they shall continue to improve the same, And that the Heirs of the late William Dudley Esq^r be and they hereby are empowered to make Sale of the Remainder of said Tract of Land, and make and execute good deed or deeds thereof to the purchaser or purchasers upon the condition following viz^t That the said heirs immediately upon the Sale thereof or any part of it shall pay into the hands of the present Guardians of said Indians or their Successors the sum of Fifty pounds to enable them to discharge the debts of said Indians, and shall also give good and sufficient security to the said Guardians or their Successors to pay the sum of Nine pounds yearly for the comfort and support of said Indians so long as the said Indians shall continue to improve said two hundred Acres of Land The said Guardians to lay their Account yearly before the General Court for their Allowance. [*Passed January 29.*]

CHAPTER 185.

RESOLVE IMPOWERING MARTHA CHAPIN, ADM^x, TO MAKE AND EXECUTE DEEDS.

Legislative
Records of the
Council, xxiv.,
543.

House Jour-
nal, pp. 172, 187.

A PETITION of Martha Chapin of Springfield Administratrix of the Estate of her late Husband Timothy Chapin of Springfield dec^d Setting forth, That her said Husband on the 5th of November 1760 sold to one Job Alvord of South Hadley one moiety of two Tracts of Land in Springfield adjoining to the Brook called Williman Sweep, the one containing fifteen Acres, and the other seven, and afterwards sold him the other Moiety of the same, and received the consideration of the same, but dyed without executing the deeds. That Jonathan Chapin the Father of said Timothy had likewise sold to John M^cKinsty of Springfield viz^t on the 15th of May 1758, 125 Rods of Land for a House Lot, who built thereon accordingly but never got his deed acknowledged or recorded, which Land would otherwise have come to the said Timothy, And Praying that She may be enabled to convey to the said Job the second Moiety of the two Tracts sold him, and to convey to said John all the Right said Timothy had in the 125 Rods of Land sold him by the said Timothy's Father Jonathan Chapin.

[Read and]

Resolved That the prayer of this Petition be so far granted that the Petitioner in her capacity be, and She hereby is impowered to execute a good deed of the second moiety of the two Tracts of land aforesaid, sold by the said Timothy to the said Job, his heirs and Assigns forever, And also to the said John, his heirs and Assigns forever a good deed of all the Right the said Timothy had at the time of his death in said Land sold by said Jonathan to the said John. [*Passed January 29.*]

CHAPTER 186.

ORDERS ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
543.

House Jour-
nal, pp. 185, 186.

THE HOUSE passed the following Votes upon Petitions of Sick and wounded Soldiers viz^t

Ordered that the sum of Three pounds six shillings be paid out of the Public Treasury to Bela Lincoln Esq^r for the use of Daniel Worrin in full.

Ordered that the sum of three pounds eleven shillings be paid out of the Treasury to Jeremy Powell Esq^r for the use of George Howard in full.

Ordered That the sum of Three pounds two shillings and six pence be paid out of the Treasury to Jedediah Foster Esq^r for the use of John Bacon Jun^r in full.

Ordered That the sum of Three pounds, six shillings be paid out of the Treasury to John Murray Esq^r for the use of Samuel How in full.

Ordered That the sum of One pound, sixteen shillings be paid out of the Treasury to James Gowen Esq^r for the use of John Chadburne in full.

Ordered That the sum of One pound fourteen shillings be paid out of the Treasury to Josiah Dwight Esq^r for the use of Elisha Terry in full. [*Passed January 29.*]

CHAPTER 187.

ORDER ALLOWING 50/ EACH TO BEZALEEL FLAGG, THADEUS CHILD, JEDEDIAH THAYER AND JOSIAH HUNT.

A PETITION of Bezaleel Flag, Thaddeus Child, Jedediah Thayer and Josiah Hunt, Praying an Allowance for the service of a Cart and Oxen impressed from each of them in the year 1758 for transporting the Baggage of the Army under General Amherst from Boston to Worcester, which they have been in vain applying for ever since to the Sheriff who impressed them, and to the Agent of the Deputy Quarter Master General of the Army

Legislative
Records of the
Council, xxiv.,
547.

House Jour-
nal, pp. 162, 187.

Read and

Ordered That the sum of fifty shillings be paid out of the Public Treasury to each of the Petitioners in full consideration for the Services mentioned. [*Passed January 31.*]

CHAPTER 188.

ORDER ANNEXING LANDS AND THE INHABITANTS THEREON TO THE TOWN OF CHESTERFIELD.

A PETITION of a number of the Proprietors of Chesterfield, part of them being Proprietors also of Land in a Tract called the second addition to the Township called Number Four, which Tract of Land is bounded Easterly on the Township of Deerfield, Northerly on Hunts Town, Westerly on one of those Tracts of Land lately sold by the Government called Number Five, and Southerly on Chesterfield containing about Three thousand Acres. Setting forth, That the said Tract is too small for a Township, and that all the Proprietors thereof as well as the Proprietors of the Town of Chesterfield are desirous that the said Tract of Land should be annexed to the Town of Chesterfield, and that it does not lye commodiously to be annexed to any other New Plantation. And Praying that the same may be annexed to Chesterfield accordingly.

Legislative
Records of the
Council, xxiv.,
547.

House Jour-
nal, pp. 146, 186.
Province
Laws, iv., 625,
note.

Read and

Ordered That the Prayer of the Petition be granted; and that the Lands mentioned in the Petition be, and are hereby annexed to the Town of Chesterfield, and the Inhabitants and Possessors of the said Lands to do duty and receive privilege therein. [*Passed January 31.*]

CHAPTER 189.

ORDER IMPOWERING SARAH LEWIS TO SELL LAND AND TO MAKE
AND EXECUTE A DEED FOR THE SAME.

Legislative
Records of the
Council, xxiv.,
547.

House Jour-
nal, pp. 186, 187.

A PETITION of Sarah Lewis of Hingham Setting forth That in the Spring of the Year 1759 her Husband Samuel Lewis proceeded on a Voyage to the West Indies, leaving her with three small Children to maintain which by her Industry and the help of her Friends she hath done ever since, he having no Estate of his own, and she but a Small Patrimony of about Fifteen Acres of Land, the income whereof is but a trifle, And Praying That She may be impowered to make Sale of the said Land for the Support of herself and Children, her Coverture notwithstanding; She not having heard from her said Husband for more than three Years past.

Read and

Ordered That the Prayer of the Petition be granted; and that the Petitioner be and She is hereby authorized and impowered to make sale of the Lands abovementioned for the most the same will fetch and to make and execute a good deed or deeds in the Law of the same, the absence of her husband Samuel Lewis notwithstanding, the money arising by the said Sale to be improved for the purposes mentioned in the Petition. [*Passed January 31.*]

CHAPTER 190.

ORDER ACCEPTING REPORT OF COMMITTEE ON TITLE OF PROVINCE
TO LANDS BETWEEN THE RIVERS KENNEBECK AND ST. CROIX.

Legislative
Records of the
Council, xxiv.,
551.

Legislative
Records of the
Council, xxiv.,
459, 468, 650.
House Jour-
nal, p. 196;
pp. 1-19, 1762-
63.

THE FOLLOWING REPORT was made by the Committee appointed for the purpose therein mentioned viz¹

The Committee appointed to prepare a State of the title¹ of the Province to the Country between the Rivers Kennebeck and St Croix have prepared the foregoing which is submitted in the name and by order of the Committee

THO^S HUTCHINSON

Read and Accepted, and

Ordered That the Secretary cause a fair copy of this Report to be made and transmitted to the agent together with Copies of such Vouchers to any of the Facts as the Committee shall furnish him with. [*Passed February 1.*]

CHAPTER 191.

ORDER REVIVING THE PETITION OF CAPT AND^R GIDDINGS AND
RESOLVE ALLOWING HIM £40. 16. 5.

Legislative
Records of the
Council, xxiv.,
552.

A PETITION of Andrew Giddings a Captain in the pay of the Province in Col^o Bagleys Regiment Setting forth That in November 1760 He arrived at Boston from Louisbourg, where Governor

¹ The statement of title referred to is to be found in the House Journal, pp. 1-19, printed at the end of the year 1762-63; also in Legislative Records of the Council, xxiv., 650.

Pownall ordered him to tarry 'till he had finished his Muster Roll and then return to Louisbourg to join his Corps; but that before his Roll was compleated, he received beating orders and recruited men, as he thought, for the Service Eastward, but they were ordered Westward, and the Memorialist to join his Corps at Louisbourg, which he did without the least loss of time; yet that eighteen weeks and four days Pay is cut off from his Pay in the Muster Roll, while in the Service as aforesaid, And Praying Relief.

Read and

Ordered That this Petition be revived and thereupon

Resolved That there be granted and paid out of the Public Treasury to the Petitioner Andrew Giddings the sum of Forty pounds sixteen shillings and five pence in full for the eighteen weeks & four days he was made up short in his muster Roll. [*Passed February 2.*]

House Journal, pp. 54, 62, 179, 180.

CHAPTER 192.

ORDER ALLOWING £S. 3 TO SAM^L FLAGG.

A PETITION of Samuel Flagg, an Ensign in Col^o Hoars Regiment at Nova Scotia the last campaign, Setting forth That he returned with the Regiment from Nova Scotia the latter end of Novem^r last, and the next day after his Arrival was seized with a violent fever at Boston which confined him for seven weeks, six weeks of which time he was constantly attended by a Physician and Nurse; and that the expence of his Sickness has been almost equal to the amount of his Wages during the Campaign. And Praying Relief

Read and

Ordered That the sum of Eight pounds three shillings exclusive of the Doctors bill, be granted to the Petitioner out of the Public Treasury in full. [*Passed February 2.*]

Legislative Records of the Council, xxiv., 553.

House Journal, pp. 169, 197.

CHAPTER 193.

ORDER ALLOWING £3. 12 TO JA^S HENDERSON.

A PETITION of James Henderson of Rutland Setting forth, That he was a Soldier in the pay of the Province in Cap^t Johnsons Company in 1758 and was paid 18/4 short of his billeting: and that in the Year 1759 his Son William Henderson was a Soldier in Cap^t Pages Company, who being taken sick at Crown Point, the Petitioner was at the charge of bringing him home. And Praying an Allowance.

Read and

Ordered That the sum of Three pounds twelve shillings be granted and paid out of the Public Treasury to John Murray Esq^r for the use of the Petitioner in full. [*Passed February 2.*]

Legislative Records of the Council, xxiv., 553.

House Journal, p. 197.

CHAPTER 194.

ORDER ALLOWING £15. 2 TO THE SELECTMEN OF FALMOUTH.

Legislative
Records of the
Council, xxiv.,
533.

House Jour-
nal, p. 197.

A PETITION of William Cotton and Others Selectmen of Falmouth Setting forth That in 1760 John Chandler, Joseph Barker and Benjamin Parker, all Soldiers in the pay of the Province returned home Sick of the small Pox, and were attended with Guards in different parts of the Town, and furnished with necessaries during their Sickness, and afterwards buried at the expence of the Town. And Praying an Allowance.

Read and

Ordered That the sum of Fifteen pounds, two shillings be granted and paid out of the Public Treasury to Francis Waldo Esq^r for the use of the Selectmen of Falmouth in full. [*Passed February 2.*]

CHAPTER 195.

ORDER APPOINTING A COMMITTEE TO DETERMINE THE BOUNDS OF INDIAN LANDS, &c.

Legislative
Records of the
Council, xxiv.,
525, 530.

House Jour-
nal, pp. 168, 201.

A MEMORIAL of Isaac Church and Others, Setting forth That the General Court formerly made a Grant of certain Lands to sundry Indians who had served as Soldiers in the Indian Wars, and that by order of Court a division thereof was made and 185 Acres assigned to Captain James Church and 24 Privates, lying in Freetown, and a plan thereof returned to the Court in 1706: and the Committee at the same time reported that Lieu^t Robin Manchester & 12 Privates should have a like proportion assigned to them; but that it does not appear that this was ever done, but one Hatch has taken possession of part of these Lands. And as those Indian Soldiers are now all dead, and Contentions are risen among their Descendants concerning the Lands aforesaid. Praying that Guardians may be appointed to adjust and determine these matters between them.

The Committee to whom was referred the Petition of Isaac Church and Others have considered the same beg leave to report, that a Committee be appointed by this Court to repair to Freetown and renew the Bounds of the 185 Acres of Land mentioned in said Petition granted by this Court to Cap^t James Church and Company Indians, which Lands the Province had of Col^o Benjamin Church deceased by way of Exchange for some Province Lands in the right of Daniel Wilcox deceased as may more fully appear by their several deeds on record in the Registers Office for the County of Bristol, and also to run the divisional Lines between their heirs or legal Representatives according to the original division thereof made in the Year 1706 a Plan whereof is herewith exhibited, and furthermore to hear and determine the several disputes and Controversies that has arisen, and now subsisting between them touching their several Rights, and to assign to each person his proper division or proportion as descended from his Ancestors. The Committee also are hereby directed and empowered to enquire into the number and names of the heirs or legal descendants of Lieu^t Robin Manchester and twelve Privates mentioned in said Petition, and that equal Jus-

tice be done them with Others of the same Company according to the several Orders and Grants of this Court, and to make report of their doings as soon as may be.

In Council Read and Accepted and

Ordered That W^m Brattle Esq^r with Such as the honorable House shall join be a Committee for the purposes in the said Report mentioned.

In the House of Representatives Read and Concurred and Col^o Clap and Col^o Gilbert are joined in the Affair. [*Passed February 3.*]

CHAPTER 196.

RESOLVE ALLOWING £750 TO THE JUSTICES.

Resolved That the sum of Seven hundred and fifty pounds be granted and paid out of the Publick Treasury to the honorable Justices of the Superior Court of Judicature, Court of Assize and General Goal delivery for their Services for one year ending the first day of January last. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, pp. 197, 198.

CHAPTER 197.

RESOLVE ALLOWING £250 TO THE PRESIDENT OF HARV^D COLLEGE.

Resolved That the sum of Two hundred and fifty pounds be granted and allowed to be paid out of the Public Treasury to the Rev^d Mr Edward Holyoke, President of Harvard College, over and above the Rents of Massachusetts Hall for one Year ending the tenth day of September next to be paid Quarterly. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.

CHAPTER 198.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Resolved That the sum of Fifty pounds be granted and allowed to be paid out of the Public Treasury to the hon^{ble} Andrew Oliver Esq^r Secretary of this Province for his Services for one year ending the sixth day of December last. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.
Infra, chap.
199.

CHAPTER 199.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Resolved That the sum of Ninety pounds be granted, and allowed to be paid out of the Public Treasury to the honorable Andrew Oliver Esq^r Secretary of this Province in consideration of his extraordinary Services to the sixth day of December last. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.
Supra, chap.
199.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 1.

CHAPTER 200.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.

Resolved That there be allowed, and paid out of the Public Treasury to Thomas Hubbard Esq^r Commissary General the sum of One hundred and fifty pounds for one years service ending the eleventh day of January last. [*Passed February 3.*]

CHAPTER 201.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.

Resolved That the sum of Two hundred and sixty seven pounds be granted and allowed to be paid out of the Public Treasury to the hon^{ble} Harrison Gray Esq^r Treasurer & Receiver General of his Majesty's Revenues of this [Province]¹ for a years service ending the twenty third day of December last. [*Passed February 3.*]

CHAPTER 202.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative
Records of the
Council, xxiv.,
555.

House Jour-
nal, p. 198.

In the House of Representatives
Resolved That there be granted and allowed to be paid out of the Public Treasury the sum of four shillings ~~p~~ diem to the hon^{ble} Timothy Ruggles Esq^r Speaker of the House for every day of his attendance in the General Court from the opening of the Session on the 26: day of May 1762, over and above his pay as a Member of this House.

In Council. Read and Concurred. [*Passed February 3.*]

CHAPTER 203.

RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, pp. 198, 199.

Resolved That there be granted and allowed to be paid out of the Public Treasury the sum of Ninety pounds to Roland Cotton Esq^r Clerk of the House of Representatives for his Services during the several Sessions for the current Year. [*Passed February 3.*]

¹ Inserted from the House Journal, p. 198.

CHAPTER 204.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Resolved That there be granted and allowed to be paid out of the Public Treasury to the Reverend Doctor Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important Trust reposed in him, and for his further encouragement therein. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, p. 199.

CHAPTER 205.

RESOLVE ALLOWING £90 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Resolved That there be granted and allowed to be paid out of the Public Treasury to John Winthrop Esq^r Hollisian Professor of the Mathematics and natural Philosophy at Harvard College in Cambridge the sum of Ninety pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him and for his further encouragement therein. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, p. 199.

CHAPTER 206.

RESOLVE ALLOWING £30 TO THE HEBREW INSTRUCTOR AT HARVARD COLLEGE.

Resolved That there be granted and allowed to be paid out of the Public Treasury to M^r Stephen Sewall Hebrew Instructor at Harvard College in Cambridge the sum of Thirty pounds as a Gratuity in consideration of his faithful discharge of that Trust reposed in him and for his further encouragement therein. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, p. 199.

CHAPTER 207.

RESOLVE ALLOWING £12 TO THE CHAPLAIN OF THE TWO HOUSES.

Resolved That there be allowed and paid out of the Public Treasury the sum of Twelve pounds to the Rev^d M^r Samuel Cooper, chaplain to the honorable Board and the honorable House of Representatives the current year. [*Passed February 3.*]

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, p. 199.

CHAPTER 208.

RESOLVE ALLOWING £50 TO JOHN PHILLIPS, LIEUT^T OF CASTLE WILLIAM.

Legislative
Records of the
Council, xxiv.,
556.

House Jour-
nal, p. 199.

Resolved That there be allowed and paid out of the Public Treasury the sum of Fifty pounds to John Phillips Lieutenant of his majesty's Castle William in consideration of his faithful discharge of that trust reposed in him. [*Passed February 3.*]

CHAPTER 209.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative
Records of the
Council, xxiv.,
557.

House Jour-
nal, p. 199.

Resolved That there be allowed and paid out of the Public Treasury the sum of Forty pounds to M^r Nath^l Davis Chaplain at his majesty's Castle William for one year from his appointment in consideration of his faithful discharge of that trust. [*Passed February 3.*]

CHAPTER 210.

RESOLVE ALLOWING £60 AND FURTHER SUMS OF £40 AND £20 TO THE DOORKEEPER.

Legislative
Records of the
Council, xxiv.,
557.

House Jour-
nal, pp. 199, 200.

Resolved That there be allowed and paid out of the Public Treasury the sum of Sixty pounds to M^r William Baker Doorkeeper to his Excellency the Governor and this Court for his service for one year to be paid Quarterly. And also the further sum of Forty pounds in consideration of his expence in hiring Assistance and extraordinary care and trouble as Doorkeeper. And Twenty pounds on account of the scarcity of the necessaries of Life. [*Passed February 3.*]

CHAPTER 211.

ORDER IMPOWERING JON^A KEYS AND BETTY HIS WIFE, ADM^S, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
533.

House Jour-
nal, pp. 206, 207.
Province
Laws, II., 151,
chap. 10.

A PETITION of Jonathan Keys and his Wife Betty Keys late Widow and Administratrix of the Estate of Peter Read jun^r late of Littleton deceased Setting forth, That the deceaseds debts amount to £53.4.3¼ more than the appraised Value of his personal Estate, That his Real Estate consisting of about twenty acres of Land with the Buildings thereon was appraised at £106 and as there is no selling a part without selling the whole, Praying that they may have liberty to make sale of the whole of said Estate for the payment of the debts aforesaid, they accounting for the Overplus.

Read and

Ordered That the prayer of this Petition be granted and that the

Petitioner Jonathan with his Wife Betty (in her capacity aforesaid) be, and they are hereby authorised to make sale of the whole of the Premises to as good advantage as may be, and to give and execute a good and sufficient deed or deeds of conveyance of the same: they attending the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving due caution to the Judge of Probate for Middlesex that the proceeds of such Sale (so far as is necessary) shall be applied for discharging the just debts of the said deceased, that the Overplus be distributed among his heirs as the Law directs, and that they account with the said Judge touching their proceedings in the premises when thereto lawfully required. [*Passed February 4.*¹

CHAPTER 212.

ORDER IMPOWERING NATH^L WOODS AND HIS WIFE MARY, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Nathanael Woods of Groton Yeoman, and Mary his Wife Administratrix of the Estate of her late husband John Erwen of said Groton deceased, Setting forth. That the deceaseds debts amount to more than his personal Estate; that his Real Estate consists of twenty Acres of poor Land, with some small old buildings thereon that when her Dower should be set off, and as much more sold as would pay the debts, the remainder would be of small Value And Praying leave to sell the whole, they to be accountable. Read and

Ordered, that the Prayer of this Petition be granted, and that the Petitioner Nathanael Woods with his Wife Mary in her capacity aforesaid be, and they are hereby authorized and empowered to make Sale of the whole of the Real Estate of the within named deceased to as good advantage as may be, and to give and execute a good and sufficient deed or deeds of conveyance of the same: they attending the directions of the Law relating to the Sale of Real Estates by Executors or Administrators and giving due caution to the Judge of Probate for the County of Middlesex that the proceeds of such Sale, so far as shall be necessary, shall be applied for discharging the said deceaseds just debts, That the remainder if any there be, be distributed among the heirs of the said deceased agreeable to the directions of the Law, and that they render to said Judge an Account of their proceedings in the premises, when thereunto lawfully required. [*Passed February 4.*²

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 27.

² This date is according to the House Journal; according to Legislative Records of the Council the date is January 29.

Legislative
Records of the
Council, xxiv.,
544.

House Jour-
nal, p. 206.
Province
Laws, li., 151,
chap. 10.

CHAPTER 213.

ORDER IMPOWERING EUNICE FARWELL, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
545.

House Jour-
nal, pp. 205, 206.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Eunice Farwell of Groton Administratrix of the Estate of her late husband Jonathan Farwell of Groton deceased, Setting forth, That the deceaseds Estate was about £41 in debt more than the Amount of his personal Estate, That his Real Estate consists of about eighty acres of Land with a dwelling house, Barn and Gristmill thereon, and as the eldest Child is not yet four years old, the said Buildings will probably be quite decayed and rotten before they arrive at age, And Praying leave to sell the said Estate, She to be accountable.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner be, and she is hereby authorized and impowered in her said capacity to make sale of the whole of the Real Estate in said Petition mentioned for the most that may be, and to give and execute a good and sufficient deed or deeds of conveyance of the same: She attending the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving due caution to the Judge of Probate for the County of Middlesex, that the proceeds of such Sale shall be applyed, so far as shall be necessary, for discharging the deceaseds just debts and other necessary charges; That the remainder if any there be, shall be distributed to and among the heirs at law of the said deceased agreeable to the directions of the Law, and that She render to said Judge an account of her proceedings in the premises when thereunto lawfully required. [*Passed February 4.*¹

CHAPTER 214.

ORDER GRANTING TO DAN^l EDWARDS LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxiv.,
559.

House Jour-
nal, p. 211.

A PETITION of Daniel Edwards of Manchester Setting forth, That having lately left the Seas he hath betaken himself to the business of a Shoreman, a great part of which consists in supplying the Fishermen and their Families with Necessaries, and that they are generally indulged with Licenses to retail spirituous Liquors, And Praying that the Court of General Sessions of the Peace for the County of Essex may at their Session in March next be impowered to grant him a License for that purpose.

Read and in answer

Ordered That the Justices of the General Sessions of the Peace for the County of Essex be, and they hereby are impowered (if they see cause) at their Session in March next to grant the Petitioners a license to retail strong Liquors, he first obtaining the Approbation of the Selectmen of the Town of Manchester for that business, the time for granting licenses being elapsed notwithstanding. [*Passed February 5.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 29.

CHAPTER 215.

ORDER GRANTING 250 ACRES OF LAND TO ROBT NOBLE.

A PETITION of Robert Noble of Great Barrington, Setting forth That he with others by order of this Government made a purchase of a Township of Land of 6 miles square, of the Indians lying West of Sheffield, on which he made a Settlement; and held the same as long as he was able against Col^o John Van Ransler of New York; but as he was determined to quit the said Right thus held under the Countenance of this Government unless he could continue so to do, he was finally obliged, after thus having made himself obnoxious to the Government of New York, to quit his Improvements to his great Loss and Damage. And Praying Relief.

Read and

Ordered That there be granted to the Petitioner Robert Noble Two hundred and fifty Acres of the unappropriated Lands of the Province lying in the County of Berkshire. Provided he takes a Survey of the same by a Surveyor and Chainmen under Oath and return a Plan thereof to the General Court for confirmation within one year from this time. [*Passed February 5.*]

Legislative
Records of the
Council, xxiv.,
560.

House Jour-
nal, pp. 202, 211.

CHAPTER 216.

ORDER ALLOWING £15 TO NATHAN BROWN.

A PETITION of Nathan Brown of Salem, Keeper of the Goal in said place Setting forth, That he hath ever since August 1761 been at the trouble and expence of keeping one Judith Adams who had been committed as a dissolute and disorderly person, who hath been long ill and continually distracted, and whom he hath furnished with Nurses and Physicians in her Illness. That the said Judith being a Stranger he hath in vain applyed to the County of Essex and Town of Salem, to be reimbursed his charge, nor can he find from whence She came. And Praying that she may be considered as a Province Charge.

Read and in answer

Ordered That the Sum of Fifteen pounds be granted the Petitioner out of the Public Treasury as a full consideration for the Charge, Trouble and damage he has sustained in keeping one Judith Adams within named. [*Passed February 5.*]

Legislative
Records of the
Council, xxiv.,
560.

House Jour-
nal, pp. 177, 178,
206.

CHAPTER 217.

ORDER IMPOWERING CALEB PILSBURY TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Bethia Kimball Widow of Joseph Kimball of Amesbury Setting forth That she hath been a Widow thirty eight Years, and her Sight is much impaired having wholly lost the sight

Legislative
Records of the
Council, xxiv.,
561.

House Jour-
nal, p. 207.
Province
Laws, ii., 151,
chap. 10.

of one eye, and that she is unable to do any labour for her Support. That She hath lost all her Children, having none that are by Law obliged to maintain her, that her Grand children are all Minors, That there is a small Estate of her said Husbands lying partly in Amesbury and partly in of about fifty pounds value the income whereof is about forty shillings p Annum, and in which She hath her right of Dower. And Praying That She may be enabled to sell one third part of the said Estate for her maintenance.

Read and

Ordered That the Prayer thereof be granted, and that Caleb Pilsbury of Amesbury be, and hereby is impowered to make sale of the Land mentioned for the most the same will fetch, and to execute a good deed or deeds of the same, Notification by him being first posted in some Public place in said Town thirty days before the time of Sale, he giving sufficient caution to the Judge of Probate for the County of Essex, that upon receiving the produce thereof he shall convert so much of the money for her Support as her necessity shall require and to be accountable to the said Judge for the remainder for the use of the heirs of the said deceased. [*Passed February 5.*]

CHAPTER 218.

ORDER IMPOWERING HANNAH COLBY, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
561.

House Jour-
nal, p. 205.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah Colby of Almsbury Widow & Adminis^x of her late Husbands Estate Thomas Colby late of said Almsbury deceased Setting forth, That the deceaseds Estate is rendered Insolvent; And Praying leave to sell the Real Estate he dyed seized of except what is set off to her as her Dower, for the payment of his debts, so far as it will answer that purpose.

Read and

Ordered That the Petition be granted, and that the Petitioner in her said capacity be and She hereby is impowered to make sale of the Land mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds of the same, she observing the directions of the Law relating to the Sale of Real Estates by Executors and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Essex that the proceeds arising by said Sale be applied for the payment of the just debts of the said deceased. [*Passed February 5.*]

CHAPTER 219.

ORDER ALLOWING £110. 11 TO NATH^l DWIGHT.

Legislative
Records of the
Council, xxiv.,
562.

House Jour-
nal, pp. 191, 212.
Ante, p. 244,
chap. 52.

A MEMORIAL of Nathanael Dwight Setting forth, That by an Order of this Court of the 11th of June last he was directed to Survey and lay out all the Lands sold by order of said Court on the 2^d day of June aforesaid, and also the remaining unappropriated Lands of this Province in the County of Hampshire and Berkshire, and return a plan thereof; which he hath performed, and in the

Plan hath set forth wherein some of the Towns interfere with the former Grants of Court. And Praying an Allowance of his Account.

Read and

Ordered this Account be allowed, and that the Sum of One hundred and ten pounds and eleven pence be paid out of the Public Treasury to the abovenamed Nathanael Dwight accordingly. [*Passed February 5.*]

CHAPTER 220.

ORDER IMPOWERING SAMUEL JOHNSON AND MARY HUBBARD, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Johnson and Mary Hubbard, Guardians of the Children of John Hubbard late of Toownshend deceased Setting forth That the deceased left four Children between two and ten years old, and left no more Estate than was sufficient to pay his debts and funeral Charges; but that the said Children had a small Estate left them by their Grand father Jonathan Hubbard of about £150, Value. And Praying that they may be impowered to Sell the same for the support and education of the said Children.

Legislative
Records of the
Council, xxiv.,
562.

House Jour-
nal, pp. 204, 205.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Ordered That the prayer of the Petition be granted, and that the Petitioners in their capacitys as Guardians to the Orphan Children within mentioned be, and are hereby authorized and fully impowered to make sale of the Real Estate within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds in the law for conveying the same Provided they first give caution to the Judge of Probate for the County of Middlesex that the Proceeds of the Sale be let out to interest, and that both Principal and Interest (in just proportion) be paid to the said Minors or their legal Representatives as the said Minors arrive to lawful age, excepting such a part of the Interest as shall be actually necessary for bringing up said Minors; the said Guardians in the Sale thereof observing the directions in the Law relating to the Sale of Real Estates by Executors and Administrators. [*Passed February 5.*]

CHAPTER 221.

ORDER ALLOWING £233 TO HAR: GRAY, ESQ^r.

A MEMORIAL of Harrison Gray Esq^r Treasurer and Receiver General Setting forth sundry extraordinary Services performed by him the last year, such as, the paying off the Soldiers in the Pay of the Province to each man his Wages amounting to £209,865.12.6 paying the Bounty money to the amount of £20,000 and upwards, drawing 196 Setts of Bills of Exchange on the Agent to the amount of £60,000 Sterling and the expence he has been at in hiring Clerks to assist him herein: And praying an Allowance.

Legislative
Records of the
Council, xxiv.,
563.

House Jour-
nal, p. 213.
Ante, p. 314,
chap. 201.

Read and

Ordered That the Sum of Two hundred and thirty three pounds be granted out of the Public Treasury to the memorialist in full for his extraordinary Services abovementioned. [*Passed February 7.*]

CHAPTER 222.

RESOLVE IN REGARD TO BRIDGES AND HIGHWAYS IN BRIMFIELD,
AND DISTRICTS OF PALMER AND MONSON.

Legislative
Records of the
Council, xxiv.,
563.

House Jour-
nal, p. 204.
Province
Laws, iv., 334,
chap. 39; 362,
note.

IN THE HOUSE OF REPRESENTATIVES. The House being informed by divers members that the Bounds of Brimfield, the Districts of monson and Palmer in the County of Hampshire as settled by this Court is so uncertain that sundry disputes have arose, & without the interposition of this Court many more are like to arise within said Town and Districts and their Surveyors of Highways respecting the repairing the Great Road leading from Boston to Springfield thro' part of the said Districts, and the two Bridges erected over Chicopee River, one on the Easterly side of said Palmer between said Palmer and Brimfield and the other on the Westerly side of said Palmer near William Scots dwelling house, Therefore for the preventing all such disputes for the future, and that the said Town and Districts and the Surveyors of Highways within their Limits may fully understand their duty, and that the said Road and Bridges may be kept from time to time in good Repair.

Resolved That the Bridge over Chicopee River on the East side of the District of Palmer between Palmer and the Town of Brimfield upon said Road be annexed to the Town of Brimfield, and that the Town of Brimfield shall keep the same in good repair from time to time as there shall be occasion, and shall be lyable to the same Pains and Penalties of the Law respecting the same as other Towns respecting High ways are. And that the District of Palmer be alike enjoined to maintain and keep in good repair the other Bridge over said River near to the Dwelling house of William Scott in said Palmer, and the whole of the Country Road from the last mentioned Bridge towards the East line of the Town of Springfield until it is full one half of the way thither wheresoever the same shall happen; and that the remainder of said Road to Springfield Line be annexed to the said District of Monson and the Inhabitants thereof be alike enjoined from time to time to keep the same in good repair.

In Council Read and Concurred. [*Passed February 7.*]

CHAPTER 223.

RESOLVE ALLOWING £8.19 TO MOSES PARKER AND 36/10 TO WILLIAM
PERRY AND TIMOTHY CLARKE.

Legislative
Records of the
Council, xxiv.,
564.

House Jour-
nal, pp. 187, 213,
214.

A PETITION of Moses Parker of Chelmsford Setting forth That in 1761 He had the Command of a Company in the Pay of the Province at Nova Scotia, that on the 14 of December he embarked with them to return home; but meeting with bad weather they did not arrive till the 8th of January when they put into Casco Bay, where they were obliged to stay till towards the latter end of the month, during which time he found it necessary to supply the men with some Cloathing, and to provide for some that were sick, and some he supplied also with small Sums to help them home amounting in the whole to £10.15.10 of which sum he hath received only

£1.16.10 which two of said Men viz^t William Perry and Timothy Clarke have reimbursed him: And Praying an Allowance.

[Read and]

Resolved That there be paid out of the Public Treasury to the said Moses on account of what he paid for the relief of his Company the Sum of Eight pounds, nineteen shillings. And that there be paid out of the Public Treasury to Sampson Stoddard Esq^r for the use of William Perry and Timothy Clarke the two Soldiers mentioned in the Petition the sum of Thirty six shillings and ten pence. [*Passed February 7.*]

CHAPTER 224.

ORDER ALLOWING £16.13.4 PER MONTH TO LIEUT. COL. JOB WINSLOW AND £13.6.8 PER MONTH TO MAJOR GAM^l BRADFORD.

A PETITION of Job Winslow a Lieutenant Colonel and Gamaliel Bradford a Major in the Pay of the Province Setting forth That the General Court apprehending that the Service would be less than it had heretofore been, have for the two last years reduced the Pay of the Field Officers one fifth part: but that being posted at Nova Scotia the last Year they were ordered upon the Expedition to Newfoundland, and being employed in that Service they apprehend that the reduction of their pay so far ceased. And Praying a further Allowance.

Read and

Ordered That the Petitioners Lieu^t Col^o Winslow, and Major Gamaliel Bradford in making up their Pay Rolls for the last Years Service be allowed the same Wages as such Officers were for the Year 1759 viz^t the Lieu^t Colonel £16.13.4 ^p Month, and the Major £13.6.8 ^p Month. [*Passed February 7.*]

Legislative
Records of the
Council, xxiv.,
565.

House Jour-
nal, pp. 202, 213.

CHAPTER 225.

ORDER ALLOWING £24 TO BENJ^a HOUGHTON.

A PETITION of Edward Wilson and Benjamin Houghton Setting forth That they each of them hold Lands under this Government, the former by virtue of a Grant made to Samuel Kneeland, and the latter by purchase in his own Right; That the Grant and purchase aforesaid so interfere that one or other falls short of the measure 45 Acres. And Praying the interposition of this Court for an equitable adjustment of this matter.

Read and

Ordered That this Petition be revived, and that the sum of twenty four pounds be granted and paid out of the Public Treasury to the Petitioner Benj^a Houghton¹ as a full Equivalent for the Loss of the Land within mentioned, and for his Labour and Expence upon the same. [*Passed February 7.*]

Legislative
Records of the
Council, xxiv.,
578.

House Jour-
nal, pp. 86, 116,
159, 160.

¹ The House Journal, p. 86, reads, "Stoughton."

CHAPTER 226.

ORDER ALLOWING £7 TO JN^O M^CSWAIN.

Legislative
Records of the
Council, xxiv.,
566.

House Jour-
nal, pp. 212, 219.

A PETITION of John M^CSwain Setting forth, That he served as a Soldier the last Year in Cap^t Cox's Company at Crown Point, that while doing his duty by being at work on the Fort there, he had the misfortune of being wounded in one of his Eyes by a small Stone, which, after suffering the most exquisite pain, wholly perished And Praying Relief.

Read and

Ordered That the Sum of Seven pounds be paid out of the Public Treasury to John Murray Esq^r for the use of the Petitioner in full consideration for the Services and Sufferings of the Petitioner above-named. [*Passed February 8.*]

CHAPTER 227.

ORDER ALLOWING £4 TO JON^A CHUBBUCK.

Legislative
Records of the
Council, xxiv.,
567.

House Jour-
nal, pp. 191, 219.
Province
Laws, xvi., 308,
chap. 240.

A PETITION of Jonathan Chubbuck, Setting forth That in the Year 1758 he inlisted into his Majesty's Service in the pay of the Province in Cap^t Pratts Company of Col^o Doty's Regiment; but that by some means or other he has not received his Bounty: and Praying Relief.

Read and

Ordered That the sum of Four pounds be paid out of the Province Treasury to Jonathan Chubbuck the Petitioner in full for his Bounty as a Soldier in the Service of the Province the Year 1758, and that the Treasurer pay the same to Thomas Foster Esq^r for the use of said Chubbuck. [*Passed February 8.*]

CHAPTER 228.

RESOLVE CONFIRMING 250 ACRES OF LAND TO JOHN BOLTON.

Legislative
Records of the
Council, xxiv.,
567.

House Jour-
nal, pp. 17, 27,
30, 222. *Ante*,
p. 224, chap. 9.

A PETITION of John Bolton Setting forth That in the Sale of the Western Township N^o 9 in June last, 250 Acres was upon his Petition reserved out of the Sale, a Plan whereof he now returns; and Praying that the same may be granted to him.

The above Plan of Two hundred and fifty acres of Land being returned,

Resolved That the same be allowed, and the said Land therein delineated and described be, and hereby is granted and confirmed to the said John Bolton his heirs and Assigns. Provided the Plan exceeds not the quantity, and dos not interfere with any former Grant. The said Land to be subject to like duties as other Lands in said Township are. [*Passed February 8.*]

CHAPTER 229.

ORDER CONSTRUING AN ORDER IMPOSING A TAX OF ONE PENNY PER ACRE FOR SEVEN YEARS ON UNIMPROVED LAND IN SHUTESBURY.

A PETITION of Abraham Hill, at the desire, and by appointment of the Town of Shutesbury Praying an Explanation of a Vote of the General Court in January 1762 granting a Tax of one peny ϕ Acre on the unimproved Lands in said Town.

Whereas by a Vote of the Assembly of the 27th of January 1762 in answer to the Petition of M^r Abraham Hill in behalf of the Town of Shutesbury. It is

Ordered that there be a Tax of one peny ϕ acre assessed and levied for the purposes in said Petition mentioned on the unimproved Lands within said Town of Shutesbury for the term of Seven Years, and that the Assessors and constables in said Shutesbury be and they hereby are respectively authorized and impowered to assess and collect the same. And Whereas it hath been moved to this Court that in order to avoid any possible difficulty or misconstruction of the said order that might arise for the want of any express provision that the said Tax should be annual for each of the said seven years as was originally intended; and thro' a deficiency of power by virtue of said order to the Assessors and Constables or Collectors that may be annually chosen during said term. Therefore

Ordered That the said Tax of one peny ϕ Acre on the unimproved Lands in said Shutesbury be so understood to be an annual Tax of said Sum on said Lands for each and every of the said seven years, and that the Assessors of the said Town for each of the said years respectively are hereby impowered and ordered to assess, and the Constables or Collectors for each of said Years respectively to collect the same annually during said term. [*Passed February 8.*]

Legislative
Records of the
Council, xxiv.,
567.

House Jour-
nal, pp. 214, 215.
Province
Laws, iv., 544,
note. *Ante*,
p. 116, chap.
272.

CHAPTER 230.

RESOLVE ALLOWING £100 TO JN^o COTTON.

A PETITION of John Cotton Deputy Secretary of the Province, Praying an Allowance for his Service in that Office the year past to which he hath applyed himself with Fidelity and been particularly assiduous in dispatching the business of it.

Read and

Resolved That the Sum of One hundred pounds be paid out of the Public Treasury to the Petitioner for one years Service as Deputy Secretary ending the first day of December last. And the further Sum of Eighty pounds for his faithful and extraordinary Services during the said term. [*Passed February 8.*]

Legislative
Records of the
Council, xxiv.,
568.

House Jour-
nal, pp. 200, 201,
223.

CHAPTER 231.

RESOLVE CONFIRMING LAND IN TOWNSHIP N° 3 TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
568.

Legislative
Records of the
Council, xxiv.,
546. House
Journal,
pp. 223, 279.
Ante, p. 173,
chap. 402;
p. 289, chap.
146.

THE SECRETARY went down to the House of Representatives on a Message from the Board with a Plan of Six Townships East of Penobscot, upon which was a Vote of the two Houses of the 26th of January last confirming one of the said Townships viz^t N° 3 to certain Persons therein mentioned, which Vote had not been signed by the Governor; and to propose that instead thereof a separate Vote might be passed for the same purpose, and laid before the Governor for his Consent. Upon Which the following Vote passed the whole Court Viz^t

Resolved That the Lands described in a Township N° 3 in a plan of Six Townships Eastward of a River called Mount Desert River taken by order of this Court by Daniel Merrett and Mathew Austin Surveyors (including all Allowances therein made, and excepting all Islands therein described) that is to say from a certain Point at the head of a small Cove, distant from another certain Point on the Eastern Side of the said Mount Desert River, in a course from the said River East 28 degrees South 12 miles and 140 Rods (which said Points shall hereafter be more exactly described and ascertained) to run by a Line North 28 degrees East 5 miles and three quarters, and from thence by a Line East 28 degrees South six miles, and from thence by a line South 28 degrees West to the Sea Coast, and from thence along the Sea Coast to the first mentioned Point be granted so far as by this Court lawfully may be to Nathan Jones, Francis Shaw and Robert Gould and to their heirs and Assigns forever, the said Nathan, Francis and Robert having given Bonds to the Treasurer of this Province for the faithful fulfilling of the Conditions mentioned in the Grant of said Township, the original Grantees of said Wait Wadsworth and others having refused to give Bonds according to the terms of the original Grant. Provided the Lands described in said Township N° 3, do not exceed the Contents of six miles square with the usual Allowances of Swag of Chain, Water and mountains, and the whole remaining Subject nevertheless to all the conditions and reservations in the original Grant thereof made. [*Passed February 8.*]

CHAPTER 232.

VOTE DIRECTING THE SHERIFF OF BRISTOL COUNTY TO PAY £20 EACH TO SAM^l & LYNDE VALENTINE.

Legislative
Records of the
Council, xxiv.,
570.

House Jour-
nal, pp. 167, 213,
225.

A PETITION of Samuel Valentine and Lynde Valentine both of Freetown, Setting forth, That at the Superior Court for the County of Bristol in Octo^r 1760 they recognized in the sum of £40 each for the appearance of Joseph Valentine at the then next Superior Court to be holden in and for said County in October 1761; but that the said Joseph Valentine went into his Majesty's Service in the mean time and dyed. That thereupon the said Recognizance became forfeit and Execution issued against the Petitioners for £20 each and £2.0.4

Cost, which was accordingly levied and returned satisfied, whereby they think themselves greatly hurt. And praying Relief.

[Read and]

Voted That the Prayer of the Petition be so far granted as that Silvester Richmond Esq^r Sheriff for the County of Bristol be, and he hereby is ordered and directed instead of paying the Forty pounds received by virtue of the Execution mentioned in the Petition into the Public Treasury to repay the same to Samuel and Lynde Valentine, that is to say, to each of them the sum of Twenty pounds, and their receipt shall be a sufficient discharge to the Sheriff from the Province Treasurer. [*Passed February 9.*]

CHAPTER 233.

RESOLVE GRANTING A TOWNSHIP TO CERTAIN PERSONS.

A PETITION of Nath^l Hooker and John Townley of Hartford Merchants and Isaac Sheldon of said Hartford in the Colony of Connecticut yeoman for themselves and fifty seven others known among themselves by the name of the Proprietors of Greenock viz^t John Keith, Niel McLean, William Tiley, George Sloan, Robert Sloan, Thomas Sloan, Elijah Clap, Thomas Clap, John Walker, Joseph Barrett, Barnabas Chadwick, Hezekiah Collyer Jun^r John Watson, Andrew Mumford, Samuel Watson, Ebenezer Mix, Evander Moorison, Samuel Curtis, Charles Caldwell, James Caldwell, George Caldwell, Timothy Seymour, Edward Merry, David Bull, Jon^a Bull, John Thomas, William Knox, Sylvanus Andruss, John Benton, William Woodbridge, Benjamin Paine, Stephen Turner, Hezekiah Turner, Obedience Trumble, Dndley Kent, Jedediah Norton, Abijah Pecke, Timothy Cole, the heirs of Doctor Normond Morrison for 2 Rights, Samuel Chapman, Samuel Lee, James Sexton, Alexander Gordon, Samuel Bridge, James Blacke, William Jepson, Daniel McAnlay, Edward Selfreidge, John Blacke, Joseph Craigie, William Henry, Isaac Savage, Abraham Savage, Ephraim Hubbard, Nathan Davis and Ebenezer Foster jun^r purchased, as they then lawfully might a Township of Land under an Indian Title viz^t beginning on the East side of Housatonnoc River in the South Line of Pittsfield, thence running Eas^t 19^d South nine miles and a half, thence South 19° West seven hundred and twenty rods to the North Line of N° 4 Township, thence West on said Line four Miles and three quarters to the North west corner of said Township, thence on the West line of said Township South 9°: 25^m west two miles and three quarters to the North Line of the Township of Number one, thence on said Line West 2°: 30^m South three miles to the Northeasterly Line of Great Barrington, thence North 48°. 40 East one mile and three quarters to the North East corner of Great Barrington, thence bounding on the North Line of said Great Barrington West 7°. 30 North Six hundred Rods to the South east corner of the Glass works Grant (so called) thence on the East side of said Grant five hundred and fifty two Rods to the North East corner of said Grant and East side of Housatonuc River first mentioned, thence bounding West-erly on said River to the bounds first mentioned And Praying that

Legislative
Records of the
Council, xxiv.,
570.

House Jour-
nal, pp. 179, 221.
Province
Laws, v., 716,
note.

¹ Sic.

the same may be confirmed to them upon such terms and Conditions as this Court shall judge reasonable.

Whereas Nathanael Hooker and his Associates have been at great expence and charge in purchasing the Townships mentioned in their Petition and procuring the pretended Indian title thereto. Therefore

Resolved That the Township mentioned and described in said Petition (¹a Pitch of five hundred Acres made to Andrew Belcher Esq^r and former Grants excepted be granted unto the said Nathanael Hooker, John Townley, and Isaac Sheldon & their Associates, their heirs and Assigns, whose names are annexed to said Petition, upon condition that Security be given to the Province Treasurer to pay him for the use of this Province the Sum of Eight hundred pounds in one year without interest. That there be reserved for the first settled minister one sixty third part of said Township; for the use of the ministry one sixty third part, and the like quantity for the use and support of a School: That within the space of five Years from this time there be sixty Settlers residing in said Township, who shall each have a dwelling house of the following dimensions viz^t twenty four feet long, eighteen feet wide and seven feet Stud, and have seven Acres of Land well cleared and fenced and brought to english Grass or ploughed; also settle a learned Protestant Minister of the Gospel in said Township within the term aforesaid.

And Whereas M^r John Walker one of the said Associates, Attorney to the said Nathanael Hooker, John Townley and Isaac Sheldon hath informed this Court that he stands ready to give the Security aforesaid for the said Eight hundred pounds. Therefore

Resolved That upon his so doing, the Grant aforesaid be made to said Associate in manner aforesaid upon their paying to said Walker their proportionable part of said Eight hundred pounds in one year; & upon failure of their so doing, the Rights in said Township of those so failing to belong to said Walker; and he shall have full power to sell and dispose of the same to any person that shall perform the Conditions aforesaid. [*Passed February 9.*]

CHAPTER 234.

ORDER ALLOWING £4 ANNUALLY FOR FOUR YEARS TO THO^s COOK.

Legislative
Records of the
Council, xxiv.,
572.

House Jour-
nal, p. 224.

A PETITION of Thomas Cook of York, Setting forth, That his son Ebenezer Cook a minor of about 18 Years of age who served as a Soldier in the pay of the Province in 1761 was on his return from Halifax in December the same Year cast away on Plum Island, where his feet were froze and he thereby lost a Joint from two of his Toes on one foot, and all his Toes on the other, by means whereof also he has now a humour in his Legs which renders him a Cripple. that the Petitioner himself lost the most part of one of his hands the last War, and being now become aged and infirm is unable to support his said son, and praying Relief.

Read and

Ordered That the sum of Four pounds be annually allowed and paid out of the Public Treasury for the term of four Years from 3^d June 1762. [*Passed February 9.*]

¹ Sic, as to parenthesis.

CHAPTER 235.

ORDER ALLOWING £1.7.6 AND A FURTHER AMOUNT OF £4 ANNUALLY
FOR FOUR YEARS TO NATHAN PHELPS.

A PETITION of Nathan Phelps, a Soldier in the pay of the Province in Col^o Nichols's Regiment in 1758 Setting forth, That he then received a Wound by a Ball, whereby he hath lost the use of his Elbow: that in the Year 1759 upon his Petition to the General Court they allowed him Three pounds; and as his Wound is broke out afresh Praying further Relief.

Legislative
Records of the
Council, xxiv.,
573.
House Jour-
nal, p. 224.

Read and

Ordered That the sum of One pound, seven shillings and six pence be paid out of the Public Treasury to Ebenezer Nichols Esq^r for the use of the Petitioner in full for the Doctors bill. Also that the sum of Four pounds be annually allowed and paid out of the Public Treasury to the Petitioner from this day for the term of four Years. [*Passed February 9.*]

CHAPTER 236.

ORDER ALLOWING £3 AND A FURTHER SUM OF £4 TO SILVANUS
WENTWORTH.

A PETITION of Silvanus Wentworth of Stoughton, Setting forth That he served as a Soldier in the Pay of the Province at Halifax in 1761, and that returning home late in the Year he was so frozen as to lose several Joints of his Toes. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
573.
House Jour-
nal, p. 224.

Read and

Ordered That the Sum of three pounds be paid out of the Public Treasury to Joseph Hewin Esq^r for the use of the Petitioner in full of his Account exhibited in the Petition. Also that the further Sum of Four pounds be paid out of the Public Treasury to the said Hewin for the use of said Petitioner as he in his discretion shall judge best for the Petitioner in full for his Sufferings mentioned. [*Passed February 9.*]

CHAPTER 237.

RESOLVE ALLOWING 2,000 ACRES OF LAND TO JOSIAH DEAN.

A PETITION of Asa Douglass of Canaan in the Colony of Connecticut Agent for Josiah Dean &c Setting forth That the said Josiah Dean &c in June last purchased of a Committee of this Court a Tract of land lying between Stockbridge and Pittsfield and gave bond for the purchase money being £2,550 and some of the Grantees began Improvements but there being a number of Families on the said Land put on heretofore by the Indians, they refused to remove, or to hold under the Petitioners; and the Indians have brought an Action of Trespass against one of the Purchasers for entering upon, and improving the Land as aforesaid. And Praying

Legislative
Records of the
Council, xxiv.,
573.
House Jour-
nal, pp. 220, 221.
Ante, p. 243,
chap. 50.

that the Government would defend them in their Right, or otherwise relieve them.

Whereas there are divers Persons in possession of the Township lying between Stockbridge and Pittsfield under a pretended title from the Stockbridge Indians. and as the affair of their removal at this present time may be attended with difficulty: and inasmuch as the said Agent to the said Josiah Dean hath agreed to release unto the Province the Sale of the said Township.

Resolved That in consideration thereof the said Josiah Dean have a Grant of Two thousand Acres of Land to be laid out in two pieces in good form adjoining to some Grant or Township in any of the unappropriated Lands in this Province (except in a Town called Watson Town) upon condition that he settle Six Families thereon within the space of five Years, which is to be in full for his time, trouble and expence in purchasing the said Township. And that the Treasurer be directed to repay him the Sum of Twenty pounds, the money he paid at the time of Sale. And that the Treasurer deliver up his bond given for the original purchase. The Plan of two thousand Acres to be returned to this Court within one year for confirmation. The money and Bond abovementioned to be delivered to Major Ashley for the use of the said Dean. [*Passed February 9.*]

CHAPTER 238.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £6 TO JNO CARLETON, JUN^r.

Legislative
Records of the
Council, xxiv.,
574.

House Jour-
nal, pp. 201, 226.

A PETITION of John Carleton jun^r of Billerica, Setting forth, That he was possessed of a Note issued by the Treasurer for £6 which he put into a draw with a bottle of Oyl of Vitriol, and by accident some of it was spilt on the note which has so eaten and defaced the same that the Treasurer refuses to exchange it referring the Petitioner to this Court for Relief. And Praying their consideration of the Case, and that they would grant him relief accordingly.

Read and

Ordered That the Treasurer be directed to pay the Petitioner the Sum of Six pounds with the interest thereof from the date of said note to the time of payment, part thereof being missing notwithstanding. [*Passed February 9.*]

CHAPTER 239.

RESOLVE IMPOWERING THE TOWN OF LUNENBURG TO CHOOSE A CONSTABLE.

Legislative
Records of the
Council, xxiv.,
574.

House Jour-
nal, p. 226.

A PETITION of Jonathan Wood and Others Selectmen of Lunenburg, Setting forth, That at the anniversary meeting in March 1762 they made choice of M^r Benjamin Reddington for Constable, who being then out of Town, could not give his Answer 'till sometime after when he declined the Office, and thereupon at a Town meeting on the 26th of April following they chose M^r Moses Ritter, constable in his stead, who accordingly took the Oath and proceeded in the business till about the 25 Decem^r when he dyed, and on the

21 January the Town assembled to choose another, when a doubt arose with regard to the regularity of their former choice of the said Ritter, and so no person would serve in the Office altho': four were then successively chosen And Praying that the proceedings of the said Town at their meeting in April last may be confirmed, or that they may be otherwise relieved.

[Read and]

Resolved in answer to the within Petition That the Town of Lunenburg be, and hereby is fully authorized and impowered at a meeting legally warned to choose a Constable for said Town in the room of Moses Ritter deceased, who is hereby fully impowered to gather and finish the Collection of the Taxes that were committed to said Ritter in his lifetime to collect and remain unfinished, any illegal Proceedings in the Town of Lunenburg in the choice and acceptance of said Ritter as constable in the room of Benjamin Beddington notwithstanding. [*Passed February 9.*]

CHAPTER 240.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO SELL LANDS IN WORCESTER COUNTY AND DIRECTING SAID COMMITTEE TO ASCERTAIN THE BOUNDS OF SAID LANDS.

THE COMMITTEE appointed to make sale of certain Lands lying in the County of Worcester have attended that Service, and made Sale of the same in manner following viz^t

Legislative
Records of the
Council, xxiv.,
572.

Legislative
Records of the
Council, xxiv.,
399. House
Journal,
pp. 239, 240
(February,
1762); p. 323
(April, 1762);
p. 231. *Ante*,
p. 139, chap.
325; p. 205,
chap. 468.

The Potash Farm so called sold to John Scott Merch ^t in Boston for . . .	£670	
Watchusett Hill sold to said Scott for . . .	65	
Also eighty Acres lying West of the Potash Farm sold to said Scott for . . .	12. 10.	
		747. 10.
Received Earnest for the Potash Farm	£10	
Received ditto for Watchusett Hill	5	
Received ditto for the eighty Acres abovementioned	3	
		18.
To Cash paid to Cap ^t Stone for expences for house room &c ^a at the time of Sale	1. 4.	16. 16.

The ballance of the Cash received as Earnest for the abovementioned Lands being Sixteen pounds, sixteen shillings your Committee have paid into the Province Treasury, and taken his Receipt for the same.

Your Committee beg leave further to report that no deed has as yet been given of said Lands or Bonds taken for the money: the reason is that the Bounds of said Lands were not properly ascertained. Your Committee therefore pray the further direction of this Court in the Affair: All which is humbly Submitted

By Order JOHN CHOATE

Read and Accepted, And

Ordered That the Committee appointed the 11th February last proceed to ascertain the Bounds of the several parcels of Land herein mentioned, and upon payment of the remainder of the money, or securing the payment thereof according to agreement to execute deeds of the same accordingly. [*Passed February 10.*¹]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 9.

CHAPTER 241.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON BOUNDARIES OF SUNDRY EASTERN TOWNS AND CONFIRMING SAID BOUNDARIES IN ACCORDANCE THEREWITH.

Legislative
Records of the
Council, xxiv.,
549, 575.

Legislative
Records of the
Council, xxiv.,
203. House
Journal,
pp. 194, 230.
Province
Laws, iv., 627,
note. *Ante*,
p. 147, chap.
345.

THE COMMITTEE for that purpose appointed exhibited a Plan of the several Towns of Biddeford Scarborough and Falmouth, and sundry other places therein described with the Lines run and bounds fixed &c.

The Committee of both Houses herein last beforementioned having carefully viewed the Plans of the several Townships called Narragansett N^o 7, Narragansett N^o 1, Pearson Town, New Marblehead, New Boston and New Gloucester with the Lines and Boundaries of the same and of the Towns of Biddeford, Scarborough and Falmouth as run and fixed by a Committee of this Court appointed in February last and described in the Plans aforesaid; having also perused the Petition of the Proprietors of the Town of Scarborough and other papers committed to Us, and heard and considered what the Parties concerned thought fit to offer either in opposition to, or support of the Proceedings of the said Committee touching the premises are, upon the whole of opinion that the herein before written Report of the said Committee, signed Richard Cutt be accepted, and that the Plans of the several Townships abovementioned therewith exhibited, and the several Lines and Boundaries therein described, be ratified and confirmed accordingly. Provided that the description of the Boundaries of the Townships aforementioned in the Plans aforesaid be not understood or construed to affect or alter the side line which divides The Town of Scarborough from that of Falmouth; but the same shall remain as formerly stated Which is humbly submitted *pro* order,

SAM^l DANFORTH

Read and Accepted. And

Ordered That the Lines and Boundaries of the several Townships of Biddeford, Scarborough and Falmouth, and of Narraganset N^o 7, Narraganset N^o 1, Pearson Town, New Marblehead, New Boston and New Gloucester as laid down in the Plans exhibited by the Committee for running the Lines of the said Townships be, and hereby are determined to be the Lines and Boundaries of the said Townships respectively; and the said Plans are hereby ratified and confirmed Provided That the description of the Boundaries of the Townships aforementioned in the Plans aforesaid be not understood or construed to affect or alter the side line which divides the Town of Scarborough from that of Falmouth; but the same shall remain as formerly stated. [*Passed February 10.*]

CHAPTER 242.

ORDER CONFIRMING THE ASSESSMENT MADE ON THE FIRST PARISH IN KITTERY FOR THE YEAR 1762.

Legislative
Records of the
Council, xxiv.,
576.

A PETITION of Richard Cutt and Nathanael Sparhawk Esq^{rs} in behalf of the first Parish in Kittery Setting forth, That at a meeting legally warned in March last, they made choice of three

Persons as Assessors, two of whom were sworn and made an Assessment accordingly; but the other Person refusing to act, it has been doubted whether the Assessment aforesaid is legal. And Praying the Order of this Court for confirming the Acts and doings of the two Assessors sworn in as aforesaid,

Read and

Ordered That the Prayer of the Petitioners be so far granted as that the Assessment made by Mess^{rs} Joseph Gunnison and Benjamin Furnald two of the Assessors for the first Parish in the Town of Kittery for the year 1762 upon said Parish for said year be to all Intents and purposes as valid in law as if Charles Chauncy Esq^r the other Assessor had accepted the choice, and had joined with them in making said Assessment. [*Passed February 10.*]

House Journal, p. 231.

CHAPTER 243.

RESOLVE GRANTING TO MAT: VINCENT LICENCE TO KEEP AN INN.

A PETITION of Mathew Vincent of Kittery Setting forth, That a Ferry being about to be established at a place called the Point over to Newcastle, the Selectmen of said Town have recommended him as a suitable person to keep a Tavern there. And Praying that the Court of General Sessions of the Peace for the County of York may be impowered at their Session in April next to grant him a License to keep a Tavern at the place aforesaid.

Read and

Resolved That the Prayer of this Petition be granted, and that the Court of General Sessions of the Peace for the County of York be, and they hereby are authorized and impowered at their Session in April next to grant the Petitioner a License for the keeping a Tavern in Kittery at a place called the Point (if they see cause) the time for granting Licenses being elapsed notwithstanding. [*Passed February 10.*]

Legislative Records of the Council, xxiv., 576.

House Journal, p. 231.

CHAPTER 244.

ORDER ALLOWING £60 TO AND^w OLIVER, ESQ^r.

A MEMORIAL of Andrew Oliver Esq^r Secretary of the Province Setting forth That upon the encouragement heretofore given him by the Court he hath received 160 Petitions or upwards of Soldiers in the Pay of the Province without taking any Fees of them as by law he might do; that he hath also by order of Court prepared and transmitted to the Agent 3 Copies of an Account of the charges of this Government for the Campaign of 1761; and that the Writings he has sent home the last year are more in quantity than usual having made out a duplicate of the General Courts proceedings for the greater part of one year, the Original having been taken by the Enemy, and that he now sends home duplicates of each Act under a several Seal and Certificate which formerly were sent, all the Acts of a Session collectively under one Seal & Certificate And Praying an Allowance.

Legislative Records of the Council, xxiv., 577.

House Journal, pp. 209, 210, 228. *Ante*, p. 180, chap. 412.

Read and

Ordered That the Sum of Sixty pounds be granted and paid out of the Public Treasury to the Memorialist in consideration of his extraordinary Services for the year past. [*Passed February 10.*]

CHAPTER 245.

ORDER ALLOWING £150 TO THO^s HUBBARD, ESQ^r.

Legislative
Records of the
Council, xxiv.,
577.

House Jour-
nal, pp. 209, 224,
225. *Ante*,
p. 204, chap.
465.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Setting forth the extraordinary business in his office the year past, nearly equal to that of the preceeding year for which the Court was then pleased to make him an extraordinary Allowance. And Praying their consideration of the Services of the present Year.

Read and

Ordered That the sum of One hundred and fifty pounds be allowed and paid out of the Public Treasury to the Memorialist in consideration of his extraordinary Services ending the 11th day of January last. [*Passed February 10.*]

CHAPTER 246.

ORDER CONFIRMING 313 ACRES OF LAND TO AND^w BELCHER, ESQ^r.

Legislative
Records of the
Council, xxiv.,
578.

House Jour-
nal, pp. 59, 229.
Ante, p. 241,
chap. 48.

A MEMORIAL of Andrew Belcher Esq^r Praying a confirmation of a Grant of 2 Tracts of Land in Freetown containing in the whole about 313 Acres in part of a Grant of 2,000 Acres made him in June last. And presenting a Plan thereof to the Court.

Read and

Ordered That this Plan be accepted and allowed; and the Lands herein delineated and described be and hereby are confirmed to Andrew Belcher Esq^r his heirs and Assigns. Provided the Plan exceeds not the quantity of three hundred and thirteen Acres, and dos not interfere with any former Grant. [*Passed February 10.*]

CHAPTER 247.

ORDER IMPOWERING JN^o RAY AND JOHN AND REBECCA PATTERSON, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
579.

House Jour-
nal, p. 230.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Ray and John Patterson and Rebecca his Wife Administrators of the Estate of John English late of Palmer deceased Setting forth, That the deceaseds debts, exclusive of any Allowance to the Widow, exceed his personal Estate £65.13. That his Real Estate consisting of about 90 Acres of Land lying in Palmer was appraised at £150. And as a part cannot be sold but to great disadvantage, Praying leave to Sell the whole of said Estate, they to be accountable.

Read and

Ordered That the prayer of the Petition be granted, and that the Petitioners in their said capacity be, and they hereby are fully Authorized and impowered to make Sale of the said deceaseds Real Estate therein mentioned for the most the same will fetch, and to execute a good deed or deeds of conveyance for the same in law to the purchaser; the Petitioners first giving Security to the Judge of Probate for the County of Hampshire, that the moneys arising by the Sale thereof, after the payment of the Just debts of the said deceased be distributed among the heirs of the said deceased according to the directions of the Law for the distribution of Intestate Estates, the Petitioners observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators. [*Passed February 11.*]

CHAPTER 248.

ORDER ALLOWING £19. 14. 8 TO JN^o GLOVER, ADM^e.

A PETITION of John Glover Administrator of the Estate of Capt Samuel Glover deceased, Setting forth, That on the 25 of August 1761 he being then at Monti Christi, and being informed that the Governor of said place was uneasy at not being repaid the moneys he had Advanced for the Troops of this Province who put in there in distress. advanced the money and paid him nine hundred pieces of eight; that sometime after his Factor there received of Cap^t William Austin 180 light pistoles as payment for said 900 p^s 8/8 in consequence of a remittance thither made by this Government, by which he lost 52 p^s 8/8, And Praying an Allowance.

Read and

Ordered, That the sum of Nineteen pounds, fourteen shillings and eight pence, be allowed and paid out of the Province Treasury to the Petitioner John Glover Admin^{or} to Cap^t Samuel Glover deceased in full for the Loss the said Samuel sustained upon the 188 pistoles mentioned in the Petition as well by reason of the lightness of the money, as by not receiving at Monti Christi the full of the monies he advanced there for the Province. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
581.

House Jour-
nal, pp. 211, 236.

CHAPTER 249.

ORDER ALLOWING £40. 16. 5 TO JN^o GLOVER, ADM^e.

A PETITION of John Glover, Administrator of the Estate of Cap^t Samuel Glover deceased, Setting forth, That the said Samuel being a Captain in the Pay of the Province in Col^o Bagley's Regiment posted at Louisbourg returned from thence in November 1760 when Gov^r Pownall ordered him to tarry at Boston, 'till he had finished his Muster Roll and then return to Louisbourg to join the Regiment; but that before his Roll was compleated he received beating orders and recruited men, as he supposed, for the Eastward, but they were ordered Westward, while he was ordered to return to Louisbourg, which he did without loss of time; yet that 18 Weeks and four days Pay is cutt off from him in the muster Roll, notwithstanding his being in the Service as aforesaid. And Praying Relief.

Legislative
Records of the
Council, xxiv.,
581.

House Jour-
nal, pp. 211, 236.

Read and

Ordered That the Prayer of the Petition be granted, and that the sum of Forty pounds, sixteen shillings and five pence be allowed and paid out of the Publick Treasury to the Petitioner John Glover Administrator to the Estate of Samuel Glover in full for the eighteen weeks and four days said Sam^l was made up short in his muster Roll. [*Passed February 11.*]

CHAPTER 250.

ORDER ALLOWING £7. 10 TO RUFUS FISH.

Legislative
Records of the
Council, xxiv.,
582.

House Jour-
nal, p. 228.
Province
Laws, xvi., 460,
chap. 245.

A PETITION of Rufus Fish of Falmouth in the County of Barnstable. Setting forth, That he served as a Soldier in the Pay of the Province in 1759, and in the year 1760 reinlisted in the same Service and received only five dollars bounty, Whereas he was intitled agreeable to the provision made by the Government to Seven pounds ten shillings more. And Praying Relief.

Read and

Ordered That the Sum of Seven pounds, ten shillings be allowed and paid out of the Public Treasury to Roland Cotton Esq^r for the use of the Petitioner in full consideration for the remaining part of his Bounty within mentioned. [*Passed February 11.*]

CHAPTER 251.

ORDER THAT THE PAY OF 46 MEN COMMENCE AT THE TIME OF THEIR ENLISTMENT.

Legislative
Records of the
Council, xxiv.,
582.

House Jour-
nal, pp. 231, 235.

A PETITION of Samuel Lord of Ipswich Setting forth, That he was employed last year to inlist Men for the Service, and accordingly between the 20th and 30th of march inlisted about 50 men; but the bounty money being by Accidents delayed they were not mustered till about the 26 of April, whereby 46 of them are in danger of losing about a months Pay. And Praying the Order of this Court for their Relief.

Read and in Answer

Ordered That the Pay of the Forty six men abovementioned commence at the day of their Inlistment. [*Passed February 11.*]

CHAPTER 252.

ORDER ALLOWING £11. 13. 1 TO JOHN DEVITT.

Legislative
Records of the
Council, xxiv.,
583.

House Jour-
nal, pp. 221, 222,
229.

A PETITION of John Devitt of Boston Setting forth, That he served as a Soldier in Cap^t Blakes Company at Halifax in 1761 and that when the Roll was made up there was £11.13.1 due to him, which some person to him unknown, hath in his name received out of the Treasury. And Praying Relief.

Read and

Ordered That the Sum of Eleven pounds, thirteen shillings and one peny be paid out of the Public Treasury to the Petitioner in full consideration for his Loss within mentioned. [*Passed February 11.*]

CHAPTER 253.

RESOLVE IMPOWERING ELISABETH GRAY TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisabeth Gray of Berwick Widow Setting forth That her Husband Alexander Gray dying in 1725, She had fourteen Acres of Land in two parcells set off to her as her Dower or Thirds in his Estate, that her Children are all dead except one daughter in the Province of New Hampshire, and that neither She nor the Petitioners Grandchildren are able to afford her any relief. And Praying that She or some person for her may be impowered to sell the two parcels of Land aforesaid for her Support.

Legislative
Records of the
Council, xxiv.,
583.

House Jour-
nal, p. 227.

[Read and]

Resolved, That the Prayer of this Petition be so far granted as that Elisabeth Gray the Petitioner by and with the Advice and Assistance of the Selectmen of the Town of Berwick be, and hereby is impowered to make sale of the Real Estate within mentioned and to make and execute a good deed or deeds of the same to the Purchasers, notice of said Sale being posted thirty days beforehand according to the direction of the Law relative to the Sale of Real Estates by Executors and Administrators and the money arising by said Sale to be put into the hands of the Treasurer of Berwick aforesaid, and by him to be put out to Interest, and the Interest of the same to be employed for the maintenance of the said Elisabeth Gray; and at her death the principal Sum to belong to the legal heirs of the within named Alex^r Gray, as they are respectively interested therein, when demanded. [*Passed February 11.*]

CHAPTER 254.

RESOLVE IMPOWERING CHI: HIGBE, ADM^s, TO SELL REAL ESTATE.

A PETITION of Christian Higbe of Sheffield Administratrix of the Estate of David Jewell late of Sheffield deceased Setting forth, That the said deceaseds debts exceed his personal Estate the sum of £52.7.5, And Praying liberty to sell of ¹ the Real Estate so as to satisfy the said debts.

Legislative
Records of the
Council, xxiv.,
583.

House Jour-
nal, p. 235.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved, That the Prayer of this Petition be so far granted, as that the Petitioner in her capacity be, and she hereby is impowered to make Sale of so much of the deceaseds Real Estate within mentioned where it will be the least damage, as shall be sufficient to discharge the debts due from said Estate being £52.7.5, and for the expence of selling, and to pass and execute a good deed of the same to the purchaser, She observing the directions of the Law

¹ *Sic.*

relative to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate in the County of Hampshire to account for the proceeds. [*Passed February 11.*]

CHAPTER 255.

ORDER DIRECTING NATHANIEL DWIGHT TO SURVEY AND LAY OUT ADDITIONAL LAND FOR MOSES PARSONS.

Legislative
Records of the
Council, xxiv.,
584.

House Jour-
nal, p. 232.
Ante, p. 243,
chap. 50.

A PETITION of Moses Parsons of Middletown in the Colony of Connecticut, Setting forth, That in June last he purchased of the Government a Township N^o 7, and hath in all respects hitherto complied with the terms stipulated; but that the said Township as platted and sold interferes with other and former Grants of this Province. And Praying an Allowance.

Read and

Ordered That the Prayer of the Petition be so far granted as that Nath^l Dwight be directed to lay out so much land belonging to the Province lying Northerly and Easterly of the Township N^o 7 (after the Line of Hunts Town shall be settled) as may be sufficient to make up the deficiency; and return a plan thereof to this Court as soon as may be. [*Passed February 11.*]

CHAPTER 256.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN SUFFOLK COUNTY.

Legislative
Records of the
Council, xxiv.,
584.

House Jour-
nal, p. 232.

In the House of Representatives

Voted That Royall Tyler and John Phillips Esq^{rs} with such as the hon^{ble} Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware for the County of Suffolk the current Year.

In Council Read and Concurred and Samuel Watts Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 257.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxiv.,
584.

House Jour-
nal, p. 232.

In the House of Representatives

Voted That William Brown Esq^r and M^r Henry Herrick with Such as the hon^{ble} Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee and China ware for the County of Essex the current Year.

In Council Read and Concurred and Nathanael Ropes Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 258.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN MIDDLESEX COUNTY.

In the House of Representatives

Voted That Andrew Bordman and Samuel Brooks Esq^{rs} with Such as the hon^{ble} Board shall join be a Com^{tee} to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Middlesex the current year.

In Council Read and Concurred and Samuel Danforth Esq^r is joined in the Affair. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
584.House Jour-
nal, p. 233.

CHAPTER 259.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives

Voted That Thomas Clap and Thomas Foster Esq^{rs} with Such as the hon^{ble} Board shall join be a Com^{tee} to farm out the duties of Excise on Tea, Coffee and china Ware in the County of Plymouth the current year

In Council Read and Concurred and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
585.House Jour-
nal, p. 233.

CHAPTER 260.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN WORCESTER COUNTY.

In the House of Representatives

Voted That Timothy Paine Esq^r and Cap^t John Browne with such as the hon^{ble} Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee and China ware in the County of Worcester the current Year.

In Council Read and Concurred and John Chandler Esq^r is joined in the Affair. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
585.House Jour-
nal, p. 233.

CHAPTER 261.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN HAMPSHIRE COUNTY.

In the House of Representatives

Voted That Josiah Dwight and Timothy Dwight jun^r Esq^{rs} with such as the hon^{ble} Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee and China ware in the County of Hampshire the current Year

In Council Read and Concurred and Israel Williams Esq^r is joined in the Affair. [*Passed February 11.*]

Legislative
Records of the
Council, xxiv.,
585.House Jour-
nal, p. 233.

CHAPTER 262.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxiv.,
585.

House Jour-
nal, p. 233.

In the House of Representatives

Voted That Edward Bacon Esq^r and M^r Chillingworth Foster with
Such as the honorable Board shall join be a Committee to farm out
the duties of Excise on Tea Coffee and China ware in the County
of Barnstable the current Year.

In Council Read and Concurred and James Otis Esq^r is joined
in the Affair. [*Passed February 11.*]

CHAPTER 263.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BRISTOL COUNTY.

Legislative
Records of the
Council, xxiv.,
585.

House Jour-
nal, p. 233.

In the House of Representatives

Voted That James Williams and Thomas Morey Esq^{rs} with such
as the hon^{ble} Board shall join be a Com^{tee} to farm out the duties
of Excise on Tea, Coffee and China ware in the County of Bristol
the current Year.

In Council Read and Concurred and George Leonard Esq^r is
joined in the Affair. [*Passed February 11.*]

CHAPTER 264.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN YORK COUNTY.

Legislative
Records of the
Council, xxiv.,
585.

House Jour-
nal, p. 233.

In the House of Representatives

Voted That John Bradbury and James Gowen Esq^{rs} with such
as the hon^{ble} Board shall join be a Committee to farm out the duties
of Excise on Tea, Coffee and China ware in the County of York
the Current Year.

In Council Read and Concurred and Nathanael Sparhawk Esq^r
is joined in the Affair. [*Passed February 11.*]

CHAPTER 265.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council, xxiv.,
586.

House Jour-
nal, p. 233.

In the House of Representatives

Voted that James Athearn and Jonathan Allen Esq^{rs} with such
as the honorable Board shall join be a Com^{tee} to farm out the duties
of Excise on Tea Coffee and China ware in the County of Dukes
County the current year.

In Council Read and Concurred and Mathew Mayhew Esq^r is
joined in the Affair. [*Passed February 11.*]

CHAPTER 266.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN NANTUCKET COUNTY.

In the House of Representatives

Voted That Abishai Folger and Obed Hussey Esq^{rs} with such as the hon^{ble} Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee, and China Ware in the County of Nantucket the current Year.

Legislative
Records of the
Council, xxiv.,
586.

House Jour-
nal, p. 234.

In Council Read and Concurred and Jonathan Coffin Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 267.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN CUMBERLAND COUNTY.

In the House of Representatives

Voted That Francis Waldo and Stephen Longfellow Esq^{rs} with such as the honorable Board shall join be a Committee to farm out the duties of Excise on Tea Coffee and China Ware in the County of Cumberland the current Year.

Legislative
Records of the
Council, xxiv.,
586.

House Jour-
nal, p. 234.

In Council Read and Concurred and Samuel Waldo Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 268.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN LINCOLN COUNTY.

In the House of Representatives

Voted That William Cushing Esq^r and M^r Thomas Moulton with such as the hon^{ble} Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Lincoln the current Year.

Legislative
Records of the
Council, xxiv.,
586.

House Jour-
nal, p. 234.

In Council Read and Concurred and Samuel Denny Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 269.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN BERKSHIRE COUNTY.

In the House of Representatives

Voted That John Ashley and Timothy Woodbridge Esq^{rs} with such as the honorable Board shall join be a Com^{tee} to farm out the duties of Excise on Tea, Coffee and China ware in the County of Berkshire the current Year.

Legislative
Records of the
Council, xxiv.,
586.

House Jour-
nal, p. 234.

In Council Read and Concurred and Joseph Dwight Esq^r is joined in the Affair. [*Passed February 11.*]

CHAPTER 270.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiv.,
586.

Mass.
Archives,
xxiii., 226,
227, lxxx., 61,
62, 278, 279.
House Jour-
nal, pp. 238, 239.

THE HOUSE entered into consideration of Petitions of Soldiers &c and the following Orders passed viz^t

Ordered That the sum of Three pounds eighteen shillings be paid out of the Public Treasury to Joseph Joselyn Esq^r in full for the Sufferings of his Servant named.

Ordered that the Sum of Three pounds twelve shillings be paid out of the Public Treasury to Cap^t Timothy Metcalf for the use of Pelatiah Man in full.

Ordered That the sum of One pound, sixteen shillings be paid out of the Public Treasury to Benjamin Chadbourne Esq^r for the use of each one of the Petitioners viz^t Stephen Perkins, Paul Ford, Daniel Eanly, Moses Butler and Eliakim Bickford, each the said sum of One pound, sixteen shillings in full.

Ordered That the sum of One pound, sixteen shillings be paid out of the Public Treasury to Benjamin Chadbourne Esq^r for the use of Thomas Jellison in full.

Ordered That the sum of One pound sixteen shillings be paid out of the Public Treasury to Benj^a Chadburn Esq^r for the use of Sam^l Jellison in full.

Ordered That the sum of Three pounds fourteen shillings and eight pence be paid out of the Public Treasury to Timothy Woodbridge Esq^r for the use of Laurence Linch in full.

Ordered That the Sum of Eighteen pounds nine shillings and nine pence be paid out of the Public Treasury to the Petitioner James Wesson in full of his Account annexed to his Petition. [*Passed February 12.*]

CHAPTER 271.

RESOLVE IMPOWERING NATHANIEL BRYANT AND EXPERIENCE MANSFIELD, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiv.,
587.

House Jour-
nal, p. 237.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathanael Bryant and Experience Mansfield of Halifax in the County of Plymouth Administrators of the Estate of Benj^a Curtis late of said Halifax deceas'd Setting forth, That upon making up their Administration Account there is a balance of £16.16.1 due to them more than the amount of his personal Estate; and praying leave to sell as much of the real Estate as will discharge the said Account together with the charges attending the same. And further representing That the s^d Intestate had bargained for and sold a piece of Swamp Ground in Halifax to Abner Cushman of said Halifax and received the full consideration for the same, but dyed without executing a deed of the same; And Praying that they be impowered to give a deed of the premises agreeable to the Bargain made therefor

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioners in their said capacity be, and hereby are fully authorized and impowered to make sale of so much of the Real Estate of the said Benjamin Curtis deceased as shall be sufficient

to pay his just debts and the charge and expence attending said Sale, and to execute a good deed or deeds of the same, observing the directions of the Law for the Sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of Probate for the County of Plymouth that the monies arising by the Sale thereof shall be truly applied to the purposes aforesaid; and they are also hereby fully impowered to execute a good deed of the piece of Swamp Land mentioned in said Petition, which the Intestate in his Life time bargained and sold to Abner Cushman of said Halifax, which shall be as valid in law as if it had been made and executed by the Intestate himself. [*Passed February 12.*]

CHAPTER 272.

ORDER LEVYING A TAX OF 1 PENNY PER ACRE ON LANDS OF NON-RESIDENT PROPRIETORS OF THE TOWN OF GREENWICH.

A PETITION of Robert Cutler, Agent for the Inhabitants of Greenwich in the County of Hampshire Setting forth, That they have been at great expence in supporting the Gospel in said place, having since the Year 1749 settled two Ministers: that a great part of the Land in said Township belongs to Nonresident Proprietors who either neglect or refuse to settle the same: And Praying that a tax of 2^d p Acre may be laid on all such lands for the term of 3 Years to be paid to the minister they have lately settled in addition to the Settlement already voted him by the Petitioners.

Legislative
Records of the
Council, xxiv.,
404, 588.

Legislative
Records of the
Council, xxiv.,
481, 484, 564.
House Jour-
nal, pp. 34, 109,
110, 118, 212, 240,
241. Province
Laws, v., 71,
note.

The Committee appointed the 7th Instant on the Petition of Robert Cutler, having made Report, the following Order passed thereon viz^t

Read and Accepted, And thereupon

Ordered That the Prayer of the Petition of Robert Cutler Agent for the Inhabitants of Greenwich be so far granted as that there be a Tax of one penny p Acre levied and assessed upon the Lands of the Nonresident Proprietors of the said Town of Greenwich for the space of four Years next ensuing towards the Support and for the encouragement of the present minister the Rev^d M^r Cutler: and the said Town be empowered to appoint suitable persons to assess and collect the same: Saving that those Thirty Lots now annexed to New Hingham be exempted from the said Tax, as also Six hundred and eighty Acres belonging to M^r Thomas Green of Boston, Provided nevertheless that if at any time before the expiration of the said four years the said M^r Cutler shall cease to be the Minister of the said Town, the Tax aforesaid shall from that time determine and cease. [*Passed February 12.*]

¹ Sic.

CHAPTER 273.

ORDER OF NOTICE ON THE PETⁿ OF ED: WING, JUN^r, QUAKER, TO HAVE HIS ESTATE, WHICH WAS FORFEITED FOR FAILURE TO ATTEND MILITARY DUTY, RESTORED TO HIM.

Legislative
Records of the
Council, xxiv.,
588.

House Jour-
nal, pp. 235, 239.
Province
Laws, iv., 635,
note.

A PETITION of Edward Wing of Sandwich Setting forth, That Elisha Bourn of Sandwich, Clerk of the Military Company there recovered Judgment against the Petitioner at the Inferior Court held at Barnstaple in May 1757 for £20 debt and £1.18.6 Costs for not attending a military muster, and Execution was levied on his Estate viz^t Six Acres and 30 rods of Land which he purchased not many years since at the rate of £9.17.4 ^p Acre, which Land the said Elisha Bourn afterwards Sold to one Lot Nye who now claims the same. That the Pet^r is one of the People called Quakers, and his non attendance on the military muster aforesaid was occasioned Solely by Scruples of conscience and did not proceed from obstinacy and Contempt, and that the execution was levied after the law was repealed, and two thirds of the Fine remitted. And Praying Relief.

The Committee on the foregoing Petition of Edward Wing having made Report;

Read and so far accepted as that it be recommended to the within named Lot Nye to reconvey the Estate herein mentioned to Edward Wing jun^r one of the Petitioners, the said Lot first receiving the money he gave for said Land and the interest thereof to the day of payment from the day he paid it: Otherwise that Elisha Bourn within named be served with a copy of this Petition that he may shew cause (if any he hath) on the second Wednesday of the next May Session why the Prayer thereof should not be granted. [*Passed February 12.*]

CHAPTER 274.

ORDER ALLOWING £30 TO EDW^d CROEL.

Legislative
Records of the
Council, xxlv.,
589.

House Jour-
nal, pp. 227, 236.
Ante, p. 319,
chap. 216.

A PETITION of Edward Croel¹ of Salem Setting forth, That in December 1759. He was Keeper of the Goal in said Town, when he had committed to his Custody one Judith Adams a common Vagrant and Stranger in the Province whom he kept at his own expence for more than two Years and a half, within which time She broke Goal and procured the Escape of John Debeau which cost the Petitioner upwards of Six pounds. And Praying Relief.

Read and

Ordered That the sum of Thirty pounds be paid out of the Public Treasury to the Petitioner in full discharge for his trouble and expence mentioned. [*Passed February 12.*]

¹ The House Journal, p. 236, reads, "*William Crowell.*"

CHAPTER 275.

RESOLVE IMPOWERING MARTHA CASWALL, ADM^X, TO SELL REAL ESTATE.

A PETITION of Martha Caswall Administratrix of the Estate of John Caswall late of Rehoboth deceased Setting forth, That the deceaseds Personal Estate is insufficient to pay his just debts; and that she hath been for twelve months past in a languishing condition, and hath several small Children to provide for. that the Real Estate consists of a small house and about four Acres of Land. And praying liberty to make sale of the same.

Legislative
Records of the
Council, xxiv.,
589.

House Jour-
nal, pp. 237, 238.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the Petitioner in her capacity be, and She hereby is impowered to make Sale of the Real Estate within mentioned for the most the same will fetch to enable her to discharge the debts of said deceased, and for the future Support of the Petitioner and her Children, and to pass and execute a good deed or deeds of the same, she observing the directions of the Law relative to the Sale of Real Estate by Executors and Administrators & giving sufficient caution to the Judge of Probate for the County of Bristol to account for the proceeds arising by said Sale according to Law. [*Passed February 12.*]

CHAPTER 276.

ORDER DIRECTING THE PROVINCE TREASURER TO INQUIRE INTO THE PAYMENT OF WAGES DUE JON^A TORREY.

A PETITION of Jonathan Torrey of a place called Wales in the County of Hampshire Setting forth, That in the Year 1760 he served as a Soldier in the Pay of the Province, and that his Wages as made up in the Muster Roll amounted to £17.11. but that in the Sutlers Column there is £5.1.4 set against his name and a receipt of Cap^t Levi Willard for the said Sum, when in fact the Petitioner never had any Supplies of the Sutler. And Praying Relief

Legislative
Records of the
Council, xxiv.,
590.

House Jour-
nal, pp. 227, 228,
237.

Read and

Ordered That the Treasurer be directed to notify M^r Levi Willard to render an Account of Five pounds one shilling and four pence within mentioned and the reason of his stopping and receiving the same. [*Passed February 12.*]

CHAPTER 277.

ORDER ON THE PETITION OF THE SELECTMEN OF SALEM IN REGARD TO THE CAPTURE AND DETENTION AT NEW PROVIDENCE OF A FLAG OF TRUCE.

A PETITION of Samuel Curwen and Others Selectmen of Salem Setting forth, That in June last a Flag was granted by his Excellency Governor Bernard to Cap^t Michael Driver to proceed to Cape

Legislative
Records of the
Council, xxiv.,
542, 582.

Legislative
Records of the
Council, xxiv.,
463. House
Journal,
pp. 186, 187, 235,
244.

Francois for the redemption of two Hostages then Prisoners at the Cape. That in the prosecution of his Voyage he was unwarrantably seized on and carried into Providence by a Privateer commanded by one Cap^t McDaniel as by a memorial preferred by Cap^t Richard Derby in September last will more fully appear. That after being detained there six weeks he proceeded on his Voyage and being arrived there paid the price of the said Hostages redemption, and being ready to return home, these unhappy Sufferers together with the said Cap^t Driver and his Crew were all by a French Man of War forced to St Iago on the Island of Cuba being first laden with Ammunition and Warlike Stores, and being arrived at said Port were there imprisoned. That the Inhabitants of Salem touched with compassion for the Sufferings of their Townsmen have directed the Petitioners to represent their unhappy case to this Court, and pray their interposition for their Relief; and especially that the first Aggressors who have been the Occasion of the whole may if possible be called to account for the Indignities offered to this Flag and the damages consequent thereupon.

The Committee upon the Petition of the Select men of Salem relative to the Capture and detention at New Providence of a certain Schooner under the Command of Cap^t Michael Driver with a Commission of Truce from his Excellency Governor Bernard having made Report; Read and

Ordered That the Secretary cause a fair copy of the said Petition and of the Affidavit of the said Michael Driver taken in perpetuum Rei Memoriam to be made out together with a copy of the Account exhibited therewith, which is judged to be a reasonable Account. And that his Excellency be desired to transmit the same to his Excellency Governor Shirley to New Providence, or the commander in chief there, and to represent the Loss and hardship attending this Affair and to urge his interposition for the obtaining Redress to the Sufferers. [*Passed February 14.*¹

CHAPTER 278.

RESOLVE IMPOWERING SARAH COTTLE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
590.

House Jour-
nal, p. 241.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Cottle of Chilmark Widow of Benjamin Cottle deceased, Setting forth, That her said husband dyed about 4 Years since, and hath 3 small Children living, one of which was born since his decease; that his personal Estate is gone to pay his just debts and towards the support of his said Children; that he left about six Acres of unprofitable Land, and She being unable any Longer to support the said Children. Praying that She may be impowered to make Sale of the said Real Estate for their Support.

[Read and]

Resolved That the Prayer of this Petition be granted: And that the within named Sarah Cottle be, and She hereby is impowered for the reasons in said Petition mentioned to make Sale of the Real Estate withinmentioned and to make and execute a good deed thereof to the Purchaser, She observing the directions of the Law relative

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 11.

to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Dukes County to apply the proceeds thereof in the following manner namely. That the same be put out at interest, and two thirds thereof be employed for the use and support of the Children, the other third for the use of the Petitioner during life, and at her death to belong to the legal heirs, that then may be. [*Passed February 14.*]

CHAPTER 279.

ORDER ALLOWING £114. 11. 11 TO RICHARD CUTT, ESQ^r, FOR EXPENSE OF RUNNING BOUNDARY OF CERTAIN TOWNS.

Ordered That the Expende of the Committee appointed by the General Court in February 1762 to run out and fix the Bounds of nine Townships in the Counties of York and Cumberland, the ballance of whose Account amounting to the sum of One hundred and fourteen pounds 11/11 signed by Rich^d Cutt be paid as follows.

Falmouth	£16. 7. 5
Scarborough	16. 7. 5
Biddeford	8. 7. 5
Pepperrellborough	8. 0. 0
Gorham Town	16. 7. 5
Pearson Town	16. 7. 5
Windham	16. 7. 5
The Province	16. 7. 5

114. 11. 11

Each of the above Towns to be taxed for the same in the next Province Tax Act unless any of them shall pay their proportion as aforesaid into the Province Treasury before the issuing of said Tax; and that the whole Sum be now paid out of the Province Treasury to said Richard Cutt Esq^r in full discharge of said Account, and by him to be paid to those to whom the same is respectivelly due. [*Passed February 15.*]

CHAPTER 280.

ORDER ALLOWING 20/ AND A FURTHER SUM OF 12/ TO SAM^l WADE.

A PETITION of Samuel Wade Setting forth, That he served as a Private in Cap^t Harts Company in 1761, and never received his Blanket or billeting money: the same being certified by the said Captain. And Praying an Allowance.

Read and

Ordered That the sum of twenty shillings be paid out of the Publick Treasury for billeting, and twelve shillings for a Blanket, neither of which Sums he has yet received. The said Sums to be paid to Ezra Green Esq^r for the Petitioners use in full. [*Passed February 15.*]

Legislative
Records of the
Council, xxiv.,
594.

House Jour-
nal, p. 246.
Province
Laws, iv., 628,
634, notes.
Ante, p. 147,
chap. 345.

Legislative
Records of the
Council, xxiv.,
594.

House Jour-
nal, pp. 240, 247.

CHAPTER 281.

ORDER ALLOWING £6. 2 TO EDW^d GALLOW.

Legislative
Records of the
Council, xxiv.,
594.

House Jour-
nal, p. 240.

A PETITION of Edward Gallow of Scituate Setting forth That He with two of his Sons inlisted into his Majesty's Service in the pay of the Province in 1762 and went to Halifax; that his said two Sons went to Newfoundland and were at the reduction of S^t Johns, and before they returned to New England were taken sick and so continued for eight weeks, which was very expensive to the Petitioner. And Praying an Allowance.

Read and

Ordered That the Sum of Six pounds two shillings be paid out of the Public Treasury to Thomas Clap Esq^r for the use of the Petitioner in full. [*Passed February 15.*]

CHAPTER 282.

ORDER IMPOWERING THE REFERREES TO RECONSIDER THEIR DECISION IN THE SUIT OF DAVID BALDWIN VS. BEZALEEL LEARNED, &c.

Legislative
Records of the
Council, xxiv.,
595.

House Jour-
nal, pp. 171, 246.
Ante, p. 296,
chap. 162.

A PETITION of David Baldwin [*ante*, p. 296, chap. 162]

Read together with the Answer of Bezaleel Learned (the adverse Party) and thereupon

Ordered That the Prayer of this Petition be so far granted, as that the Referrees thereinmentioned be, and they hereby are empowered to reconsider the Report by them made relative to the Controversy betwixt the Petitioner and the said Bezaleel, and (upon a further hearing of the Parties) to make such alteration therein as to them shall appear to be most equitable and just; and to make report of their Doings in the Premises to the Justices of the Inferior Court of Common Pleas to be holden within and for the County of Middlesex on the second Tuesday in May next; and the said Justices are hereby authorized to receive such Report, and to enter up Judgment thereon: and the former Report of the said Referrees and Proceedings had thereon are hereby superseded and declared null and void. [*Passed February 15.*]

CHAPTER 283.

RESOLVE ADJOURNING THE COURTS OF BERKSHIRE COUNTY.

Legislative
Records of the
Council, xxiv.,
596.

House Jour-
nal, pp. 249, 250.
Province
Laws, iv., 432,
chap. 33.

Resolved That the Court of General Sessions of the Peace and Inferior Court of Common Pleas, one whereof is by adjournment, the other by Law to be held at Pittsfield within and for the County of Berkshire on the first Tuesday of March be, and hereby are adjourned to the first Tuesday of April next at ten of the clock in the Forenoon of said day, then to be held at Great Barrington within and for said County of Berkshire, and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and all other Thing and Things whatever returnable, or that have or

may have day or days in the said Courts shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good effectual and available in the Law to all Intents and Purposes whatever as if the said Courts had been held and kept at Pittsfield aforesaid on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed February 16.*]

CHAPTER 284.

ORDER ALLOWING £3 AND A FURTHER SUM OF 20/, ALSO £4 ANNUALLY FOR THREE YEARS TO JABEZ JOSEPH, INDIAN.

A PETITION of Jabez Joseph, Indian Man of Plymouth Setting forth That he served as a Soldier in Cap^t Bassets Company of Col^o Hoars Regiment at Crown Point in 1761, and that in his way home he froze both his feet, and lost part of both, so that he is like to be a Cripple all his days, And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
596.

House Jour-
nal, pp. 252, 253.

Read and

Ordered That the Sum of Three pounds be paid out of the Publick Treasury to the Petitioner; and a further sum of twenty shillings at the end of the Year from the first day of June last: the Sums aforesaid to be paid M^r Stephen Nye to be by him delivered to M^r Elisha Tupper for the use of the Petitioner.

Ordered also that the Sum of Four pounds be annually paid to M^r Elisha Tupper from the first day of June last for the term of three years if the Petitioner lives so long for the said Petitioners use in full. [*Passed February 16.*]

CHAPTER 285.

ORDER ALLOWING £5. 10 TO CALEB HASKELL.

A PETITION of Caleb Haskell of Newbury Setting forth, That his Apprentice John Davis in the year 1760 inlisted as a Soldier in the Pay of the Province in 1760, and was some time after taken sick of the Small pox, the expence of which cost the Petitioner £8.13.7, and after his recovery he joined his Company and served the Campaign. And Praying an Allowance.

Legislative
Records of the
Council, xxiv.,
597.

House Jour-
nal, p. 253.

Read and

Ordered That the Sum of Five pounds ten shillings be paid out of the Publick Treasury to Joseph Gerrish Esq^r for the use of the Petitioner in full. [*Passed February 16.*]

CHAPTER 286.

ORDERS CONFIRMING THE BOUNDS OF THE FIFTH PARISH IN NEWBURY AND REGULATING THE PAYMENT OF TAXES, &c.

UPON THE PETITIONS of Nathanael Ordway and Others of the 2^d Parish in Newbury, of Ch^{:r} Hodge in behalf of the 3^d Parish, and of Moses Bradstreet and others of the Presbyterean Society in said

Legislative
Records of the
Council, xxiv.,
233, 597.

House Journal, pp. 214, 221 (February, 1762); pp. 250, 251. Province Laws, xvi., 748, chap. 423.

Newbury representing the difficulties they labour under with regard to their Parish Affairs, and collecting money for the Support of the Gospel ministry among them. And Praying Relief.

The Report of the Committee to whom was referred the Petition of the 2^d and 3^d Parishes in Newbury was read and accepted. And Thereupon

Ordered That the 5th Parish in Newbury be confirmed in all its Bounds without alteration, and that all those Inhabitants of the said Fifth Parish living Westward of Artichoak River so called, who desire to return to the second Parish and shall within three months in writing under their hands return their names into the Secretary's Office signifying such their desire; such person or persons and their Estates within the said fifth Parish shall from thenceforth be exempted from all Parish Taxes in the said fifth Parish, and for the future shall do duty and receive Priviledge in the said second Parish as fully to all intents and purposes in law as if said persons and their Lands lay within the second Parish. And that all those persons Inhabitants of the said fifth Parish who were Inhabitants of the 2^d Parish and were assessed in Taxes to the second Parish before the fifth Parish was erected into a distinct and separate Parish shall pay all such Sum and Sums of money yet unpaid, which were assessed as aforesaid into the Treasury of the said second Parish, and that the Collectors of the said second Parish that then was when the said Taxes were made, be, and they hereby are directed and impowered forthwith to collect the same accordingly, notwithstanding the Assessors who laid the said Tax had not taken the money Oath as by Law directed, saving only the sum of Ten pounds out of the money aforesaid to be paid to the Committee of the fifth Parish for what Interest the Inhabitants of the fifth Parish had in the old meeting house in the said second Parish,

And further

Ordered That all the Inhabitants of the fifth Parish who were taken off from the third Parish, and did not petition to be set off, which do now desire to return to the said third Parish, and shall within three months by writing under their hands return their names into the Secretary's Office signifying such their desire; such Person or Persons and their Estates within the said fifth Parish shall from thenceforth be exempted from all Parish Taxes in the said fifth Parish, and for the future shall do duty and receive privilege in said third Parish as fully to all intents and purposes in law as if said Persons and their Lands were within the said third Parish, and they were Owners of Pews there.

And further

Ordered That all such Houses and Lands lying within the said third Parish which are not already by Law exempted, whether the Owners or Occupants thereof live in or out of the said third Parish not lyable by law to be taxed to the Church of England or by Law exempted from paying Parish Taxes on account of being Quakers, or their attendance on the ministry of the Rev^d M^r Jonathan Parsons, shall and may be taxed to all Parish Taxes in the said third Parish as fully to all intents and purposes whatsoever as if said Houses and Lands belonged to or were owned by Proprietors or Occupants of Pews in the meeting house of the said third Parish. [*Passed February 16.*]

CHAPTER 287.

RESOLVE ALLOWING £160 AND 1,000 ACRES OF LAND TO JOS: DWIGHT, ESQ^r.

A PETITION of Joseph Dwight of Great Barrington Setting forth That in the Year 1751 the General Court ordered a number of Mohawk Children to be taken into a School at Stockbridge and instructed at the expence of this Government (together with a number of Boys then maintained at the expence of M^r Isaac Hollis) except so far as was provided for by M^r Hollis or by the Corporation for propagating the Gospel: upon which Order of the Government a Committee was appointed, of which the Petitioner was one who was constantly in the business and expended to the Amount of £120 Sterl^s over and above what he has ever received, an Account whereof he exhibited to the Court in January 1754 for Allowance; but no Allowance being then made him, he applied to M^r Martyn Kellog Executor to M^r Martyn Kellog Agent to said M^r Hollis, who had assured him of payment from M^r Hollis; whereupon the said Executor drew his Bills upon him for the said Amount, which were returned protested with charge. And Praying an Allowance therefor, and for the Interest of the same for eight years.

And further Setting forth, That in the Year 1754 in consideration of his personal Service in caring and providing for a number of Mohawk Families invited by this Government to Stockbridge, the Court made him a Grant of 3 Rights of Land in a Township lying between Northampton and Pontoosuck, which land was not reserved when that Township was sold by order of Court in June last. And Praying for an Equivalent.

Read and

Resolved That there be allowed and paid out of the Public Treasury, out of the Interest of the money given by Sir Peter Warren for pious and charitable uses, to the Petitioner Joseph Dwight Esq^r the Sum of One hundred and sixty pounds in full for his Services mentioned in said Petition.

And further

Resolved That there be granted to the said Joseph Dwight One thousand Acres of Land to be laid out in some of the unappropriated Land in the Western part of this Province in two parcels, if he see cause; he to return a plan thereof within one year from this time: Provided he release to the Province all right and title in the three Rights of Land mentioned in the Petition. [*Passed February 16.*]

Legislative
Records of the
Council, xxiv.,
598.

House Jour-
nal, pp. 192, 239,
240. Province
Laws, iv., 569,
note; xiv., 450,
chap. 107; 563,
chap. 66; 682,
chap. 132; xv.,
119, chap. 276.
Ante, p. 242,
chap. 50.

CHAPTER 288.

ORDER ALLOWING £4 PER ANNUM TO DAN^l HOWARD, ESQ^r.

A PETITION of Daniel Howard Esq^r Setting forth That this Court in their present Session made a Grant of Three pounds to Joseph Muxham a Soldier in the pay of this Province in consideration of his Sufferings in the Service; and as he is much disabled by the Loss of his Toes, Praying that he may be allowed a Pension.

Read and

Legislative
Records of the
Council, xxiv.,
599.

House Jour-
nal, p. 236.
Ante, p. 282,
chap. 131.

Ordered That the sum of Four pounds p Annum be allowed out of the Public Treasury to Daniel Howard Esq' for the term of four years for the use of the said Joseph Muxham as he shall judge best. [*Passed February 16.*]

CHAPTER 289.

ORDER IMPOWERING JOHN DIX AND JOHN COOK, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
599.

House Jour-
nal, p. 254.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Dix of Waltham Yeoman and John Cook of Watertown miller Executors of Stephen Cook of Watertown, Miller deceased, Setting forth, That the said deceased devised the Remainder of his Estate both Real and personal to and among his Children and Grand children as particularly mentioned in his Will. That there is of the said deceaseds Estate to be thus divided about one quarter of an Acre of Land in Cambridge near the Market place with a House & two Shops standing thereon, also about three acres of Salt marsh lying upon Charles River in said Cambridge, which being incapable of a division, those of the heirs who are of age are desirous of selling the same, And Praying that they may be empowered in behalf of the Minors to join with them in the Sale of the premises,

Read and thereupon

Ordered That the Prayer of this Petition be granted, and that the said Executors together with the aforementioned Devisees of lawful age, and the Guardians of such of the Devisees, or of their legal Representatives as are in their minority, be, and they hereby are Authorized and empowered to make sale of the whole of the premises to as good advantage as may be, and to give and execute a good and sufficient deed or deeds of conveyance of the same: notice of such Sale being previously given in time and manner as the Law relating to the Sale of Real Estates by Executors and Administrators doth direct: such proportion of the proceeds of such Sale as belongs to the Minors, to be put out on interest, and both principal and Interest to be paid to them severally as they shall arrive at lawful age or marriage. [*Passed February 16.*]

CHAPTER 290.

RESOLVE CONFIRMING THE ASSESSMENT ON ESTATE OF AMMI CHASE OF FREETOWN.

Legislative
Records of the
Council, xxiv.,
600.

House Jour-
nal, p. 243.
Province
Laws, iv., 632,
note.

A PETITION of Abiel Terry and Others, Assessors of the Town of Freetown Setting forth, That in making their Assessment for the Year 1762, one Ammi Chase was omitted, and the Rate Bill was committed to one John Hathaway a Constable in said Town before the mistake was found, and he refuses to deliver the same back, that the mistake aforesaid may be rectified. And as there is danger of some difficulties arising in collecting the Taxes, Praying that the said Assessment may be confirmed, and that they may be empowered to assess the said Ammi Chase what his proportion of

the said Tax would have been, and that the same may be paid into the Town Treasury to defrey the charge of said Town, whereby every person therein will have their proportionable part of the benefit of the said Chases Tax.

Read and

Resolved That the Prayer of the Petition of the Assessors of the Town of Freetown be granted, and they be and are hereby impowered to assess the Polls and Estate of Ammi Chase by the same Rules and in the same proportion as the other Inhabitants of that Town are assessed in the last years assessment, and that the money arising thereby be paid into the Town Treasurer for the use of said Town; and that the assessment made on said Town for the last year be as good and valid to all intents and purposes as tho' the mistake or omission as mentioned in their Petition had never happened. [*Passed February 16.*]

CHAPTER 291.

ORDER GRANTING TO SAMUEL BROWN LICENCE TO KEEP AN INN.

A PETITION of Woodbridge Brown of Abington Setting forth That there is no public House of entertainment in said Town on the Country Road from Bridgwater to Boston, tho' the major part of the Inhabitants of said Town are desirous that one Samuel Brown should keep a Public House where he now lives near the Meeting House, and that there has been one there for near forty years past. And Praying that the Court of General Sessions of the Peace for the County of Plymouth may be empowered to grant him a License at their next term accordingly.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Plymouth be impowered (if they see cause) to grant the abovenamed Samuel Brown a Licence to keep Tavern. He first obtaining the approbation of the select men of Abington for that service. The time for granting Licences being elapsed notwithstanding. [*Passed February 16.*]

Legislative
Records of the
Council, xxiv.,
600. Mass.
Archives, cxi.,
531.

House Jour-
nal, pp. 255, 256.

CHAPTER 292.

RESOLVES IN REGARD TO TAXES ON N^o 4, AND ROXBURY CANADA.

UPON THE PETITIONS of Joseph Williams Esq^r in behalf of the Proprietors of Gardner's Canada and of Eldad Taylor Esq^r in behalf of the Inhabitants of N^o 4 [*ante*, pp. 273, 274, chaps. 114, 115] the following Resolve passed viz^t

Resolved That the Prayer of the Petitioners for N^o 4, in the County of Berkshire and of Roxbury Canada in the County of Hampshire be granted; and that the Province Taxes laid thereon in the year 1761 and 1762, amounting in the whole to the Sum of One hundred and eighty four pounds, seven shillings and six pence be taken off, and laid on the Towns of Springfield, Northampton,

Legislative
Records of the
Council, xxiv.,
601.

House Jour-
nal, pp. 29, 118
(June, 1761):
pp. 69, 114, 247.
Province
Laws, lv., 694,
note. *Ante*,
p. 273, chap.
114; p. 274,
chap. 115.

Hatfield, Westfield, Deerfield, Brimfield and Greenfield in their Province Tax for the Year 1763, in the following manner and proportion viz^t on Greenfield the sum of Four pounds seven shillings and six pence; and on every of the other beforementioned Towns the sum of Thirty pounds each making in the whole the said sum first abovementioned: And also for the future there be added to the said Towns of Springfield, Northampton, Hatfield, Westfield Deerfield & Brimfield four shillings each to a thousand pounds Province Tax, and to the Town of Greenfield seven pence to the thousand pounds (being part of their proportion set by the Committee of this Court for settling the valuation in the year 1761) and to be continued from year to year until the further order of this Court. [*Passed February 16.*]

CHAPTER 293.

ORDER ALLOWING £30 TO ROL^d COTTON, ESQ^r.

Legislative
Records of the
Council, xxiv.,
601.

House Jour-
nal, pp. 200, 256.
Ante, p. 279,
chap. 126.

Ordered That the sum of Thirty pounds be granted and paid out of the Public Treasury to Roland Cotton Esq^r Clerk of the House of Representatives in full consideration for his extraordinary Services and for his faithful discharge of the important trust reposed in him. [*Passed February 16.*]

CHAPTER 294.

RESOLVES ALLOWING £200 ADDITIONAL TO STOCKBRIDGE INDIANS UPON
RELEASING RIGHT TO LANDS, &c.

Legislative
Records of the
Council, xxiv.,
602.

House Jour-
nal, pp. 16, 20,
28, 29, 31, 61, 191,
195, 228, 248, 249.
Province
Laws, iv., 700,
note. *Ante*,
p. 244, chap. 51.

Resolved That the sum of Two hundred pounds in addition to the Sum of Fifteen hundred pounds granted by the General Court in June last, be given to the Stockbridge Indians, so as to make up the Sum of Seventeen hundred pounds agreeable to their Petition exhibited to General Court this present Session; which Sum of Seventeen hundred pounds shall be paid to Timothy Woodbridge Esq^r to be applied by the said Timothy Woodbridge as shall appear to him to be equitable. Provided That before the payment of said sum, the said Timothy give bond to the Treasurer of this Province conditioned for the faithful discharge of his trust aforesaid; and to render a true Account of his disposition of the same to this Court. Provided also that before the payment of the said Sum to the said Indians, they shall release all Claims to any of the Lands of this Province to which they pretend title, as also to any Lands heretofore granted by this Province (Grants to themselves excepted). And it is further

Resolved That upon the said Indians accepting the said sum of Seventeen hundred pounds, and releasing as aforesaid; the present English Claimers of the Lands called Yookum Town and Mount Ephraim, bounded Westerly on the Province Line, Northerly in part on Pittsfield, and in part on Province Land so called, Easterly

on Housatonuc River and Southerly in part on Stockbridge North Line, and in part on the Ministers Grants and in part on unappropriated Lands, they the said Claimers giving Security to the Treasurer of the said Province for the payment of Six hundred and fifty pounds to be paid within one Year without Interest, the same Claimers agreeable to a certain Platt of the said Lands called Yookum Town and Mount Ephraim as named in the same Platt of the said Lands (provided as is hereafter provided) now exhibited to this Court; they, their heirs and Assigns, so many of them as shall duly pay their full Quota of the said Sum of Six hundred and fifty pounds according to the several quantities and parcels of the same Lands as delineated in said Plan, shall have and hold the same to them, their heirs and Assigns in severalty agreeable to the several Allotments in the same Plan, with their several names therein set down; the Public Lots in said Land to be to the uses as therein set down; that within the space of five Years from this time, there be fifty Settlers residing within the Limits of the said Yookum Town and Mount Ephraim, who shall each have a dwelling house of the following Dimensions viz^t Twenty four feet in length and eighteen feet in wedth, and seven feet Stud, and have Seven Acres of Land well cleared and fenced, and brought to English Grass and ploughing; and that the Settlers aforesaid shall have Settled among themselves within the term aforesaid a learned Protestant Minister of the Gospel: Provided that the said Claimers under said Indian Title shall and do actually yield and pay to said Stockbridge Indians yearly the several Rents heretofore reserved by said Indians from said Claimers upon such Leases as they have received from said Indians for the term therein mentioned, unless said Claimers within one year from this day obtain from said Indians absolute Grants of said Lands in Fee for such considerations as they with the Advice and consent of Timothy Woodbridge Esq^r think proper, who is hereby empowered to see Justice done said Indians in said Sale.

Resolved also That Whereas Samuel Brown jun^r has given bond to the Government for the payment of the Sum of Six hundred and fifty pounds in consideration of the said Lands of Yookum Town and Mount Ephraim, that in case any of the Grantees or Lessees of said Land should refuse or neglect to pay their proportionable part of the said Six hundred and fifty pounds to the Government agreeable to the order of this Court, said Brown shall and may make Sale of the Lots and Rights of such Persons neglecting or refusing as aforesaid. Provided the said Plans do not interfere with any former Grants from this Province. [*Passed February 17.*]

CHAPTER 295.

ORDER ALLOWING 36/ TO SAM SHOREY.

A PETITION of Samuel Shorey Stephen Perkins Paul Ford Daniel Eanly, Moses Butler & Eliakim Bickford Setting forth That in the Year 1761. they served as Soldiers in the Pay of the Province at Nova Scotia, and that upon their return they were cast away at Ipswich and lost most of their Cloathing and Bedding and underwent great hardships and Praying an Allowance

Read and in Answer

Legislative
Records of the
Council, xxiv.,
609.

Ordered that the Sum of Thirty Six Shillings be paid out of the Public Treasury to Benjamin Chadburne Esq^r for the use of Samuel Shorey within named in full.¹ [*Passed February 17.*²

CHAPTER 296.

RESOLVE ALLOWING PAY TO CERTAIN SOLDIERS FROM TIME OF INLISTMENT AND DIRECTING CAPTAIN JAMES GRAY TO MAKE UP HIS MUSTER ROLL ACCORDINGLY.

Legislative
Records of the
Council, xxiv.,
605.

House Jour-
nal, p. 258 *bis*.

A PETITION of James Gray, a Captain in the Pay of the Province Setting forth That his Lieutenant James Dewey inlisted ten Men at Sheffield; but the Muster Master being not then furnished with Money to pay them the Bounty, they are made up in the Roll in a manner greatly to their Prejudice, their Pay not commencing till the time that they actually passed Muster, which occasions the Loss of near two months Pay to most of them. And Praying Relief.

[Read and]

Resolved that the several Privates on the Roll herewith exhibited be allowed their Pay from the time of their several Inlistments mentioned on said Roll: and that Capⁿ James Gray the Petitioner be directed to make up his Pay Roll accordingly. [*Passed February 18.*

CHAPTER 297.

ORDER ALLOWING £3 EACH TO WILLIAM BADCOCK, JOSEPH EVANS AND JAMES COOLEY.

Legislative
Records of the
Council, xxiv.,
606.

House Jour-
nal, p. 260.

A PETITION of William Badcock Joseph Evans and James Cooley Setting forth That in the Year 1760. they inlisted into his Majestys Service and served in Captⁿ Bradfords Company at the Westward, that on their return home Badcock and Evans were seized with the Small Pox and the other Petitioner Cooley having formerly had the Distemper stayed with them to tend them; That their Sickness occasioned them considerable Expence. And praying an Allowance.

Read and

Ordered that the Sum of Three Pounds be paid out of the Public Treasury to Andrew Belcher Esq^r for the use of each one of the Petitioners in full. [*Passed February 18.*

CHAPTER 298.

ORDER ALLOWING £12.6 TO JOHN TAPLEY.

Legislative
Records of the
Council, xxiv.,
609.

A MEMORIAL of John Tapley of Salem Setting forth That in the year 1759. he was Commissioned as a Captain in the Pay of the Province and Posted at Nova Scotia, That a Gratuity of Nine Pounds

¹ Not found in the House Journal.

² This chapter is entered in Legislative Records of the Council under date of February 21, although the secretary there states that the final action (in Council) took place on the 17th.

was then allowed to each Captain for his continuance in the Service which Sum the Memorialist never received.

That on the 19. of Feb^y 1760. he received the Governors Orders as a Major, but in making up the Roll he was made up only as a Captain viz^t from the 19. of February to 23. July.

That on the 18th April 1761. he received the Governors Orders as a Captain, and Inlisted 22. Men, but never received any Pay for his time nor for the inlisting said Men. And praying an allowance for these Services

Read and

Ordered that the Sum of Twelve Pounds Six Shillings be granted and paid out of the Public Treasury to the Petitioner in full consideration for his Services and Expences mentioned. [*Passed February 21.*]

House Journal, pp. 60, 118, 263. Province Laws, xvi., 460, chap. 245.

CHAPTER 299.

ORDER ALLOWING PAY TO CERTAIN SOLDIERS FROM TIME OF ENLISTMENT AND DIRECTING CAPTAIN JONATHAN CARVER TO MAKE UP HIS MUSTER ROLL ACCORDINGLY.

A MEMORIAL of Jonathan Carver a Captain in the Pay of the Province Setting forth That Sixteen Privates of his Company were inlisted some time before they were mustered and Attested as specified in a List exhibited with the said Memorial, and that they are made up in the Roll only from the time of their being Mustered. That the reason why they did not pass Muster sooner was because the Muster Master was not furnished with Money to pay them their Bounty, and was no fault of the said Men. And praying that they may be relieved

Read and

Ordered that the Persons named in the List annexed be made up from the time of their Inlistment and the Petitioner is allowed to make up his Roll accordingly.¹ [*Passed February 21.*]

Legislative Records of the Council, xxiv., 609.

CHAPTER 300.

RESOLVE IMPOWERING MERCY MURRAY, ADM^x, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mercy Murray of Amherst Administratrix of the Estate of her late husband William Murray jun^r deceased Setting forth That the said deceased had bound himself for value received to convey to one Bernard Wilde of Shutesbury a certain Tract of Land in Amherst containing 30 Acres laid out to Deacon Samuel Dickinson, and Samuel Mighill That besides the Charges of Administration, and the common allowance of necessaries to the Widow, the Debts due from the Estate exceed the whole Personal Estate £29.19.2. That the Deceased's Real Estate consists of about 95 Acres of Land, mostly uncultivated, with a House and Barn thereon both unfinished, a part of which Estate cannot be sold without prejudice to the whole. And praying that She may be empowered to make Sale

Legislative Records of the Council, xxiv., 610.

House Journal, p. 263. Province Laws, ii., 151, chap. 10.

¹ Not found in the House Journal.

of the Premises, She to be accountable, and that She may also be impowered to execute a Deed of the forementioned Tract of Thirty Acres to the said Bernard Wilde

[Read and]

Resolved that the Prayer of this Petition be so far granted, that the Petitioner in her said Capacity be and is hereby fully authorized and impowered to make Sale of the Ninety five Acres within mentioned for the most the same will fetch, and to execute a good Deed or Deeds of the same, She observing the directions of the Law for the Sale of Real Estates by Exec^{rs} & Adm^{rs} and giving Caution to the Judge of Probate for the County of Hampshire that the Money arising by the Sale thereof shall be applyed to the Payment of the just Debts of the deceased, and the Overplus if any there be, the use of one Third thereof to be to the Widow during Life, and at her decease to be divided among the Legal Heirs of the said William Murray deceased according to Law, as also the other two Thirds shall immediately be after the payment of the Debts of said William Furthermore the Petitioner is hereby impowered to convey by Deed to Bernard Wilde his Heirs and Assigns the Lands mentioned in said Petition, which her late husband William Murray in his Life time obliged himself to convey to the said Bernard, and the same to be as valid in Law as if it had been given by the said William in his Life time. [*Passed February 21.*]

CHAPTER 301.

RESOLVE CONFIRMING NICHOLAS SHAW AS CONSTABLE AND COLLECTOR OF THE TOWN OF ABINGTON.

Legislative
Records of the
Council, xxiv.,
611.

House Jour-
nal, p. 266.
Province
Laws, iv., 694,
note.

A PETITION of Woodbridge Brown of Abington in behalf of the said Town Setting forth That in March last the said Town of Abington chose one Abraham Beale a Constable, and he was sworn in accordingly but that his Business calling him in May following to go Eastward he agreed with one Nicholas Shaw to collect the Rates provided he might be legally impowered so to do And praying that he may be impowered accordingly

[Read and]

Resolved that the Prayer of this Petition be so far granted as that the Inhabitants of the Town of Abington at a Meeting legally warned be and hereby are fully authorized to accept of Nicholas Shaw as Constable (if they see fit) in the room of Abraham Beales chosen Constable in March last, who hath hired said Nicholas to serve in his Stead, and to gather his proportion of the Public Taxes in said Town, and upon his taking the Oath to said Office belonging shall be deemed and adjudged a Constable and Collector in the Law to all Intents and purposes. [*Passed February 21.*]

CHAPTER 302.

RESOLVE IMPOWERING PHOEBE MARSH, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Phœbe Marsh of Hadley Admin^x of the Estate of her late Husband Samuel Marsh deceased Setting forth That the Deceaseds Personal Estate falls considerably short of the amount of his Debts. And praying leave to sell 28 Acres of Woodland in Hadley lying Three Miles & a half from the Homestead at a place called Patricks Swamp, She to be accountable.

[Read and]

Resolved That the Prayer of the Petition of Phœbe Marsh be so far granted, as that She is in her said Capacity hereby fully authorized to make Sale of the Twenty Eight Acres of the Land mentioned in said Petition lying in Hadley for the most the same will fetch, and execute a good Deed or Deeds of the same observing the directions of the Law for the Sale of Real Estates by Exec^{rs} & Admin^{rs} and giving sufficient Caution to the Judge of Probate for the County of Hampshire that the Money arising by the Sale thereof be applied to the payment of the just Debts of her late husband Samuel Marsh deceased, and the overplus if any there be, be distributed as the Law directs touching Intestate Estates. [Passed February 22.]

Legislative
Records of the
Council, xxiv.,
612.

House Jour-
nal, pp. 262, 263.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 303.

ORDER IN REGARD TO RECORD^g THE DEED OF STOCKBRIDGE INDIANS TO THIS PROVINCE.

Ordered That the Deed from the Stockbridge Indians conveying sundry Tracts of Land to this Province be recorded in the Secretarys Office: and he is to cause the same to be recorded in the Registers Office for the Counties of Hampshire and Berkshire after that the said Deed to be returned into the Secretarys Office. [Passed February 22.]

Legislative
Records of the
Council, xxiv.,
612.

House Jour-
nal, p. 268.
Province
Laws, iv., 701,
note. *Ante*,
p. 354, chap.
294.

CHAPTER 304.

ORDER ANNEXING JOSEPH & JOSIAH WHITE WITH THEIR FAMILIES AND ESTATES TO THE FIRST PARISH IN SOUTH HADLEY.

A PETITION of Joseph White & Josiah White of South Hadley Setting forth that pursuant to an Order of the General Court in January 1762 for dividing the District into two Parishes, liberty was given to those on the East side of the Line who chose to be of the West Parish to certify the same by Writing lodged in the Secretarys Office within a certain time in said Order limited; which Certificate should intitle them to be Members of the said West or First Parish. That in observance of the said Order they certified their desire as aforesaid, but their Certificate miscarried. And praying that they may nevertheless be accounted to belong they and their Estates to the first Parish in the said District.

Legislative
Records of the
Council, xxiv.,
612.

House Jour-
nal, pp. 265, 268.
Province
Laws, iv., 1034,
note. *Ante*,
p. 154, chap.
356; p. 251,
chap. 66.

Read and

Ordered that the within named Joseph and Josiah White with their Families & Estates be annexed to the first Parish in South Hadley there to do duty and receive privilege. and they are hereby exempted from paying any Parish Taxes to the Second Parish in said Town for the future. [*Passed February 22.*]

CHAPTER 305.

VOTE APPOINTING MR. JOSEPH BILLINGS GUARDIAN OF THE PUNKAPOG INDIANS.

Legislative
Records of the
Council, xxiv.,
613. Mass.
Archives,
xxxiii., 228.

Legislative
Records of the
Council, xxiv.,
395, 442, 612, 613.
House Jour-
nal, pp. 267, 269.

ACCORDING TO AGREEMENT, the two Houses proceeded to the Choice of one Guardian, for the Punkapang Indians And on counting the Votes, it appeared that M^r Joseph Billings was chosen unanimously. [*Passed February 22.*]

CHAPTER 306.

ORDER IMPOWERING JAPHET BIGNALL TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiv.,
613, 614.

House Jour-
nal, pp. 56, 171,
268, 269, 272.
Ante, p. 240,
chap. 45.

A PETITION of Japhet Bignall of Attleborough Setting forth That in the year 1761. the General Court upon his Petition enabled him to bring a Writ of Review of a Judgment obtained against him at the Superior Court in Taunton in the year 1758. in an Action brought by Josiah Draper for the forfeiture arising from his not appearing at a day of Muster; but that thro' some informality of his said Writ it was abated. That on representing this matter to the General Court he obtained an Order for another Review; but was again defeated by means of a like Informality in this new Writ And praying that he may be enabled to bring forward a new Writ of Review on the Subject aforesaid, and that the merits of his cause may at last be determined.

The Committee appointed to consider the Petition of Japhet Bignall having on the part of the Board reported in favour of the said Petition.

Ordered That the Petitioner Japhet Bignall be and he hereby is enabled to bring another Writ of review of the action within mentioned which was tried on the review at the Superior Court &c in Taunton in the Month of October 1758. to the next Superior Court of Judicature &c to be holden in Taunton within and for the County of Bristol. And the said Court are hereby empowered and directed to hear and try the merits of the said Cause, make up Judgment, and award Execution accordingly. And it is hereby further declared that this order sufficiently authorizes the said Court to proceed on such Writ of Review to be issued in the usual form of such Writs. [*Passed February 23.*]

CHAPTER 307.

RESOLVE ALLOWING £30 ADDITIONAL TO THE LIEU^r GOVERNOR.Legislative
Records of the
Council, xxiv.,
616.

Resolved that the Sum of Thirty pounds be granted and paid out of the public Treasury to the hon^{ble} Thomas Hutchinson Esq^r over and above the Forty Pounds granted in September last in full for his services done for and at the Request of this Government. [*Passed February 24.*]

House Jour-
nal, pp. 104, 267,
271. *Ante*,
p. 268, chap.
101.

CHAPTER 308.

RESOLVE CONFIRMING A PLAN OF A TOWNSHIP GRANTED COL. JOSEPH FRYE.

THE PLAN of a Township Granted by this Court, at their Session in March AD 1762 to Joseph Frye Esq^r and by him laid out at a place called Pigwacket in the County of York bounded at the South Corner to a Spruce Tree marked, from thence North 45 Deg^s west By the Needle of the Instrument 2,172 Rods to a beach Tree marked Thence North 45 Deg^s East 2,172 Rods to a maple tree marked, Thence South 45 Deg^s East 2,172 Rods to a Pine tree marked, Thence South 45 Deg^s west to the first bound, was presented for acceptance, and accordingly

Legislative
Records of the
Council, xxiv.,
616. Mass.
Archives,
ccxliii., 84.House Jour-
nal, p. 281.
Province
Laws, v., 666,
note. *Ante*,
p. 175, chap.
404.

Resolved that said Plan be accepted, and that the Lands therein described be and hereby are Granted & Confirm'd to the said Joseph Frye, and to his Heirs and Assigns forever (provided it doth not interfere with any former Grant,) the Township laying on both sides of the River Saco notwithstanding, Subjected nevertheless to all the Conditions & Reservations made and Provided in said Grant. [*Passed February 24.*]

CHAPTER 309.

RESOLVE PROVIDING FOR A COMMITTEE TO JOIN WITH A COMMITTEE FROM NEW HAMPSHIRE TO PERAMBULATE THE LINE BETWEEN THAT PROVINCE AND THE PROVINCE OF MAINE.

THE COMMITTEE appointed the 19th instant to project some proper method for the Settlement of the Line between the province of Maine & New Hampshire having made Report the same was Read in Council and sent down to the House of Representatives, whereupon the following order passed the Court. viz^t

Legislative
Records of the
Council, xxiv.,
616.Legislative
Records of the
Council, xxiv.,
607. House
Journal,
pp. 262, 281, 282.
Infra, chap.
310.

The House being informed that there has been great Strip and Waste made on the Province Lands near or at the head of Newichwannock River and from thence Northward &c which Lands are contiguous to the Bounds betwixt this Province and the Province of New Hampshire, therefore

Resolved that three Gentlemen be appointed by this Court to join with such as may be appointed by the Province of New Hampshire to repair to that part of the Province called the Province of Maine, and perambulate that part of the Line running between the Prov-

ince of Maine so called, and the Province of New Hampshire and to ascertain the same by proper boundary marks, and that his Excellency be desired to acquaint the Commander in Chief of New Hampshire with this proposal. [*Passed February 24.*]

CHAPTER 310.

Legislative
Records of the
Council, xxiv.,
617.

VOTE APPOINTING A COMMITTEE TO RUN THE BOUNDARY LINE BETWEEN THE PROVINCES OF MAINE AND NEW HAMPSHIRE.

House Jour-
nal, p. 283.
Supra, chap.
309.

ACCORDING TO AGREEMENT the Two Houses proceeded to the choice of three Persons to run the Line between the Province of Maine and New Hampshire, upon sorting the Votes it appeared that Benjamin Lincoln Joseph Frye & Samuel Livermore Esq^{rs} were chosen by a majority of Votes. [*Passed February 24.*]

CHAPTER 311.

RESOLVE IMPOWERING GUARDIAN OF PUNKAPOG INDIANS TO BIND OUT INDIAN CHILDREN.

Legislative
Records of the
Council, xxiv.,
617.

House Jour-
nal, p. 271.
Ante, p. 360,
chap. 305.

Resolved that Mr Joseph Billings of Stoughton in the County of Suffolk Guardian to the Indians commonly called the Punkapog Tribe be & hereby is authorized and impowered to bind out to Service all those Indian Orphan Children that are under his care he observing the same Rules and directions that Select men and Overseers are by Law required to do in binding out poor Children. [*Passed February 24.*]

CHAPTER 312.

RESOLVE DIRECTING THE PAYMENT OF EXCHANGE DRAWN BY JOHN PHILLIPS UPON THOMAS HANCOCK UPON PRESENTATION OF PROPER VOUCHERS.

Legislative
Records of the
Council, xxiv.,
618.

Legislative
Records of the
Council, xxiv.,
602. House
Journal,
pp. 259, 283.

Resolved that the Bill of Exchange drawn by John Phillips upon Thomas Hancock Esq^r for the use of the said Phillips and the Soldiers mentioned¹ ought to be paid when proper Vouchers shall appear to the Satisfaction of the Governor and Council (who are desired to order payment of the same) that the said Sum was expended for the use aforesaid. And that such part of said Sum as may appear to the Governor & Council to be due from said Officer and Soldiers be stop'd on their pay Roll. [*Passed February 24.*]

¹ See Legislative Records of the Council, xxiv., 602.

CHAPTER 313.

ORDER GRANTING 500 ACRES OF LAND TO JON^A BAGLEY, ESQ^R.

A MEMORIAL of Jonathan Bagley Esq^r Setting forth That in 1759. he had the Command of the Provincial Troops at Louisbourg and that in January 1760. he came to Boston by order of General Whetmore to give Information concerning them Whereupon the Court granted a Bounty of £4 to those Privates who should stay the Winter, and a Months pay to each Commission Officer, and they immediately thereupon received Orders from Governor Pow-nall to negotiate the Money which he accordingly effected That not long after the Court came into a resolution to raise 5,000 Men for his Majestys Service over and above those who should reinlist at Louisbourg and Nova Scotia, whereupon he again Negotiated the Bounty of £9 ^p Man for 509 Men at Louisbourg amounting to £4,581 which he did at his own risque without exposing the Gov-ernment to any Charge or hazard And praying an Allowance

Legislative
Records of the
Council, xxiv.,
618.

House Jour-
nal, pp. 248, 271.
Province
Laws, xvi., 460,
chap. 245.

Read and

Ordered That this Petition be revived, and that there be granted to the Petitioner Jonathan Bagley Esq^r Five hundred Acres of the unappropriated Lands of this Province in the County of York, not to infringe on any former Grants in full Consideration for his extraordinary Services mentioned As also for his Service as Engineer in the Year 1755. He to return a plan to this Court as soon as may be. [*Passed February 24.*]

CHAPTER 314.

ORDER ALLOWING £3. 4 TO SAM^L WHEELER.

A PETITION of Samuel Wheeler Setting forth that his Servant John Wheeler served in Colonel Hoars Regiment at Halifax the last year, and that upon his return was taken sick at Boston, and so continued till the 3^d day of January, which occasioned a great Expence to the Petitioner And praying an allowance.

Legislative
Records of the
Council, xxiv.,
618.

House Jour-
nal, p. 280.

Read and

Ordered. that the Sum of Three Pounds four Shillings be paid out of the public Treasury to Charles Prescot Esq^r for the use of the Petitioner in full. [*Passed February 24.*]

CHAPTER 315.

ORDER ALLOWING CAPTAINS PAY TO LIEUTENANTS MAKING UP MUS-TER ROLLS.

A PETITION of Jonathan Foster, John Clap, Perley Pike, Henry Woods, Jonathan Lowder jun^r William Bent, Michael Jackson, James Wesson, and John Sellon, Lieutenants in the pay of the Province Setting forth That as some of their Captains stayed at home to recruit for his Majestys regular Service, and others of

Legislative
Records of the
Council, xxiv.,
619.

House Jour-
nal, p. 271.

them remained in Garrison, they were ordered to make up the Rolls of their respective Companies instead of the Captains, which they have accordingly done and been at considerable Expence therein And praying they may be allowed Captains pay during the time they were making up said Rolls as has been practised in the like Cases.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Petitioners be allowed Captains Pay during the time they are making up their Rolls. [*Passed February 24.*]

CHAPTER 316.

RESOLVE DIRECTING THAT A MUSTER ROLL BE MADE UP OF THE PERSONS ENGAGED IN THE RECRUITING SERVICE.

Legislative
Records of the
Council, xxiv.,
619.

House Jour-
nal, p. 272.

A PETITION of James Reed, Ebenezer Marrow, Sam^l Berry George Lane, and Simon Howard & Others, Officers appointed by his Excell^y the Governor to recruit for his Majestys Service in 1762. in behalf of themselves the Noncommissioned Officers and privates Setting forth That from the date of their respective Commissions and time of Inlistment to this day they have not received any Billeting or provisions in lieu thereof but have been obliged to Subsist themselves That Application has been made to the Kings General for Payment who refuses to make it. And praying Releif from this Government.

Read and

Resolved that the Commanding Officer of the party be allowed to make up a Billeting Roll for the Commission Officers, Serjeants and Privates that were employed in that Service for the time they attended that Duty. provided their number do not exceed Ninety in the whole. and that they be allowed five pence one third of a Penny per day per man for their Rations to be paid out of the Public Treasury upon the Rolls being properly certified, and that his Excellency the Governor be desired to give orders for an inquiry into the conduct of the recruiting Officers, and where any appear to have neglected their duty, or taken any undue measures, that they have no Benefit from this Resolve. [*Passed February 24.*]

CHAPTER 317.

VOTE IMPOWERING JOHN NOURSE TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiv.,
619.

House Jour-
nal, p. 280.

A PETITION of John Nourse of Danvers Mariner Setting forth That in Sept^r 1759. he brought an Action at the Inferior Court held at Newbury for the County of Essex against one Eleazer Lindsay of said Danvers for the recovery of £6.16/ when the said Eleazer produced a false and counterfeit Receipt, as from the Petitioner for the Sum of Ten shillings in full of all demands (of which he has since been convicted at the Superior Court) upon which pretended Receipt, Judgment was given against the Petitioner for Costs, besides which he is liable to lose his just Due. And

as it so happened that his Attorney did not appeal from the said Judgment, Praying that he may be empowered to bring a Writ of review of the same at the next Inferior Court to be holden at Ipswich for the County of Essex in March next.

[Read and]

Voted That the Petitioner be and he hereby is enabled to bring a Writ of Review of the Action in the Petition mentioned to the next Inferior Court of common pleas to be holden at Ipswich within and for the County of Essex; and the said Court are hereby empowered and directed to hear and try the merits of the said Cause, make up Judgment and award Execution accordingly. [*Passed February 24.*]

CHAPTER 318.

ORDER ALLOWING £8 TO CAPT. JON^A CLARKE.

A PETITION of Jonathan Clarke of Boston Setting forth That he had a Servant named William Boone on Board the Province Snow Prince of Orange when She was taken by the Enemy who has never since returned. That he preferred his Petition some years since for allowance, as had been made to others, but that his Petition having been mislaid, he hath not received any, and praying Relief

Read and

Ordered That the Sum of Eight Pounds be paid out of the Public Treasury to the Petitioner in full Consideration for the Loss of his Servant within named. [*Passed February 24.*]

Legislative
Records of the
Council, xxiv.,
619a.

House Jour-
nal, p. 281.

CHAPTER 319.

ORDER ALLOWING £5. 10 TO MARY NOWELL.

A PETITION of Mary Nowell¹ of York Praying an Allowance for her expence in nursing and providing for her Son Silas Nowell late a Soldier in the pay of the Province under Capt Johnson Moulton while sick at her House after his return from Halifax the last year during the space of Three Months and a half

Read and

Ordered That the Sum of Five Pounds ten shillings be paid out of the Public Treasury to John Bradbury Esq^r for the use of the Petitioner in full. [*Passed February 24.*]

Legislative
Records of the
Council, xxiv.,
619a.

House Jour-
nal, p. 279.

CHAPTER 320.

ORDER ALLOWING £50 TO SAM^L KNEELAND.

A PETITION of Samuel Kneeland of Boston Printer Setting forth That he hath sometime since compleated the printing and binding the perpetual Laws of this Government, and delivered 400

Legislative
Records of the
Council, xxiv.,
619a.

¹ The House Journal, p. 279, reads, "*Mary Narell.*"

House Journal, pp. 197, 282 *bis.* *Ante*, p. 88, chap. 209.

Copies agreeable to their Orders an Account of which he is ready to lay before the Court. But as some Towns and Districts have not yet received the Books that were ordered for them, and the Court may not now be able to attend the Inspection of his Account he prays that he may have One hundred pounds more advanced to him, he having already had £170 advanced to him on account.

Read and

Ordered That the Sum of Fifty Pounds be paid out of the Public Treasury to the Petitioner in part of his Account for printing the Laws of this Province. [*Passed February 24.*]

CHAPTER 321.

ORDER ALLOWING £3 TO JOHN SMITH.

Legislative Records of the Council, xxiv., 620.

House Journal, p. 283.

A PETITION of John Smith Setting forth That he served as a Soldier in the pay of the Province in 1755. in Cap^t Pearsons Company. That on his return he was seized with the Camp Distemper, and was oblig'd to sell his Gun in order to bring him home: That after his return he continued sick which occasioned him the Expence of Nurses and Attendance for Thirteen Weeks. And praying that he may be allowed the Sum of 34/8 which was stopt out of his pay on the Muster Roll, and for the Charge attending his Sickness as aforesaid.

Read and

Ordered That the Sum of Three Pounds be paid out of the Public Treasury to John Brown of Newbury Esq^r for the use of the Petitioner in full. [*Passed February 24.*]

CHAPTER 322.

ORDER DESIRING THE GOVERNOR TO SIGN THE DEEDS OF SIX TOWNSHIPS EAST OF THE PENOBSCOT RIVER.

Legislative Records of the Council, xxiv., 620.

Legislative Records of the Council, xxiv., 623. House Journal, pp. 277-279. *Ante*, p. 326, chap. 231.

Ordered that his Excellency the Governor be desired to sign the Deeds hereafter mentioned. And

Ordered that the Secretary of the Province and Speaker of the House sign them also in behalf of the two Houses respectively.

BY THE GOVERNOR COUNCIL AND HOUSE OF REPRESENTATIVES of the Province of the Massachusetts Bay in New England in the Great and General Court assembled.

Whereas their late Majestys King William and Queen Mary by their Letters Patent bearing Date the seventh day of October in the third Year of their Reign, did give and grant unto the Inhabitants of the Province of the Massachusetts Bay (among other things) all those Lands and Hereditaments lying between the Territory of Nova Scotia and the River Sagadahoc, then and ever since known and distinguished by the name of the Territory of Sagadahoc together with all Islands lying within 10 Leagues of the Main Land, within the said Bounds to have and to hold the same unto the said Inhabitants, and their Successors to their own

proper use and behoof for evermore. Provided always that no Grant of Lands within the said Territory of Sagadahoc made by the Governor and General Assembly of the said Province should be of any force or effect until their Majestys their Heirs and Successors should signify their approbation of the same.

The Governor Council, and House of Representatives of the said Province of the Massachusetts Bay in the Great and General Court assembled have given and granted, and hereby do give and grant unto [here insert all the names of the Grantees of the first Township] and their Heirs all that Tract of Land lying in said Territory of Sagadahoc on the East Side of the River Penobscot beginning at [here describe the Boundaries of the first Township] to have and to hold the said Lands with their Appurtenances to them and their Heirs to the only use and benefit of them and their Heirs forever as Tenants in common, subject nevertheless to the Reservations, proviso's and Conditions hereafter mentioned

And the said Governor Council and House of Representatives assembled as aforesaid have also given and granted and hereby do give and grant unto [here insert all the names of the Grantees of the second Township] and their Heirs all that Tract of Land adjoining to the Tract of Land beforementioned and beginning at [here describe the Boundaries of the second Township] to have and to hold &c.

And the said Governor Council &c [for the third Township as before] and to repeat for the 4th 5th and 6th Townships.

Reserving nevertheless to be yielded and paid unto his Majesty his Heirs and Successors by the said several Grantees and their respective Heirs and Assigns one fifth part of all Gold and Silver Oar and precious Stones which shall happen to be found and gotten on the said Tracts of Land or any of them or any part thereof. Provided that these Grants or any of them shall be of no force or effect until his Majesty his Heirs and Successors shall signify his or their approbation thereof

And it is hereby provided and declared that the foregoing Grants and each of them are, and is made upon these express considerations and Conditions, that the said several Grantees of the said several Tracts of Land hereafter to be made so many several Townships, and each of them shall within six years after they shall have obtained his Majestys approbation of such Grants (unless prevented by War) settle each Township with 60 good protestant Families and build 60 Houses none to be less than 18 feet Square or of equal Area and 7 feet Stud; and clear and cultivate 5 Acres of Land on each Share fit for tillage or mowing; and that they build in each Township a suitable Meeting House for the public Worship of God, and settle a learned Protestant Minister, and make provision for his honourable and comfortable Support. And that in each Township there be reserved and appropriated four whole Shares in the Division of the same (accounting one sixty fourth part a share) for the following purposes, viz^t one for the first settled or ordained Minister his Heirs and Assigns forever, one for the use of the Ministry, one to and for the use of Harvard College in Cambridge, and one for the use of a School forever: And if any of the Grantees or proprietors of any of the said Townships respectively shall neglect within the term of six years as aforesaid to do and perform the conditions aforesaid as shall respect and belong to his Share or right as aforesaid such share or right shall be intirely forfeited and

shall enure to the use of this Province, this Grant or anything contained therein to the contrary notwithstanding.

Provided nevertheless that if the aforementioned Grantees their Heirs and Assigns shall not obtain his Majestys confirmation of these Grants before the expiration of 18. months to be computed from the day of the date hereof then the said Grants or such thereof as shall remain unconfirmed shall cease and determine, and be null and void this present Writing or any thing therein contained to the contrary notwithstanding.

Given in the Great and General Court and Sealed with the public Seal of the Province at Boston this day of February in the third year of the reign of his Majesty George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c and in the Year of Our Lord 1763

Ordered also that the same Grant be made of the Township called Number Three East of Mount Desert River to Mess^{rs} Nathan Jones Robert Gould and Francis Shaw, mutatis mutandis. [*Passed February 24.*]

CHAPTER 323.

ORDER ACCEPTING REPORT OF COMMITTEE AND CONFIRMING THE PARTITION OF AN ESTATE.

Legislative
Records of the
Council, xxiv.,
614, 622.

House Jour-
nal, pp. 271, 272,
283.

A PETITION of Thomas Hancock Esq^r of Boston and Lydia his wife Setting forth That Daniel Henchman late of Boston Esq^r deceased, Samuel Henchman of Boston, and James Varney late of said Boston Lime Burner deceased, and James Varney his Son, and Isaac Burr of Worcester Gentⁿ being seized of certain Tracts of Land in Fee lying in Worcester & Holden which lay in common and undivided viz^t the said James Varney and Son of one fourth part, and the other parties named of one fourth part each, they agreed to make a Division thereof, and there was accordingly sett off to the said Isaac Burr his full proportion of the Premisses, and a Deed of Division was accordingly given to him for the same, and the other Parties having chosen three meet Persons to make a Division of the other three Quarter parts between them who accordingly proceeded in the Business, and on the 10th day of November 1741. finished the Division agreeable to a return thereof herewith presented and the Parties thereupon drew Lots for their respective Shares, and agreed to execute Deeds of Division to each other accordingly, but James Varney the elder dying, many of whose Heirs are Minors, the Deeds have not been executed to this day, That the said Daniel Henchman Esq^r purchased of the said Samuel Henchman his quarter part, and being thus intituled to two fourth parts N^o 3 and 4. on said Plan and return fell to his Share, and he thereupon made great improvements on the premisses, all which Two fourth parts and the improvements thereon descend to the said Lydia Hancock only Child and Heir at Law of the said Daniel Henchman Esq^r deceased and as the Heirs of the said James Varney deceased are chiefly Minors and incapable of joining in Deeds of Division Praying that the Division aforesaid may be confirmed, which had been thus agreed to by the Parties interested in the Premisses

The Committee to whom was referred the Petition of the Hon^{ble} Thomas Hancock Esq^r and Lydia his Wife beg leave to report That they have attended that Service, and find the Facts therein asserted to be true, and that on the 23^d of September 1735. the Heirs of Major Daniel Henchman then late of Boston deceased by an Instrument under their hands in writing did agree to divide their Lands lying in Worcester and Holden in the County of Worcester to and among themselves viz^t To Daniel and Samuel Henchman one half to James Varney of Boston and James Varney of Wilmington one Quarter thereof, and to Isaac Burr of Worcester the other Quarter, and made choice of Henry Lee Esq^r Capt. Daniel Haywood and Captⁿ Benjamin Flagg to make said division, and that these Gentlemen took upon them that trust, and proceeded to divide the same pursuant to the agreement of the Parties, and on the tenth day of Novem^r A.D. 1741. by an Instrument in Writing with a plan of the Homestead by them signed, divided the whole into four Lots, and numbered them 1, 2, 3, 4. the first of which was assigned to the said Isaac Burr his Heirs and Assigns, the Second drawn by James Varney sen^r and James Varney jun^r the third and fourth by Daniel and Samuel Henchman, reference to said plan and Writing being had will appear. And that afterwards, viz^t on the first day of January AD. 1744. by an Indenture under the hands and Seals of the said Daniel Henchman Samuel Henchman James Varney the elder and James Varney the Younger duly executed and recorded did set over and confirm to the said Isaac Burr his Heirs and Assigns the first Share or Lot in said plan and Division mentioned to be held to him his Heirs and Assigns forever in Severalty he the said Isaac at the same time, and in the same manner quitting to them the said Daniel and Samuel, and James Varney sen^r and James Varney jun^r his Interest in the Lots or Shares N^o 2, 3, and 4. and that after this on the 16th May 1760 Samuel Henchman aforementioned by his Deed under his hand and Seal duly executed and recorded sold his Interest in the premisses to Daniel Henchman Esq^r to him his Heirs and Assigns forever, by vertue of which and by the Division aforesaid the said Daniel became Claimant to the Lotts N^o 3 and 4, in said Division and plan mentioned, and that on the Eighth day of October last James Varney of Boston one of the Heirs of James Varney deceased by an Instrument under his hand and Seal directed and impowered the said Thomas Hancock to apply to the General Court to confirm, and establish the division aforesaid and that on the 23^d instant John Tudor Son in Law and Admin^r on the Estate of James Varney of Boston deceased by an Instrument in Writing did consent and agree to the division aforerecited

Wherefore

Resolved, That the Division of the Estate of Maj^r Daniel Henchman made by the said Lee Haywood and Flagg in the plan and Instrument in Writing of the 10th of Novem^r 1741. be confirmed & established And whereas the said M^r Burr was to have Number One, and the same was confirmed to him by Deed, that Number Two be forever hereafter held in severalty to the Heirs of the said James Varney the elder and James Varney the younger to them and their respective Heirs and Assigns forever according to their different Interest: And that the said Thomas Hancock and Lydia his Wife in her right (She being sole Heir to the last named Daniel Henchman Esq^r) have the Lots Number Three and Four in said plan and Writing of Division mentioned to her in severalty and divided to

be held in her right to her her Heirs and Assigns forever according to the agreement of the first named parties when in full Life, and that all the Papers referred to in this report be recorded in the Records of Deeds for the County of Worcester although not duly sealed and acknowledged; and the Register of the County is directed to do it: and that they be held as valid to all Intents & purposes as if they had passed the usual Forms by Law required

W. BRATTLE by order.

Read and Accepted And

Ordered that the partition mentioned in the said Report be as valid to all Intents and purposes as if the same had been confirmed by Deeds of release executed by the parties, and recorded in the Registry of Deeds for the County of Worcester. [*Passed February 25.*]

CHAPTER 324.

RESOLVE IMPOWERING JERUSHA FENNO, ADM^x, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiv.,
623.

A PETITION of Jerusha Fenno Widow and Admin^x of John Fenno late of Stoughton Yeoman deceased intestate Setting forth That her said Husband had bargained and agreed for the Sale of his Real Estate in Stoughton for £213.13.4 to Samuel Kilpatrick, and on the first day of January gave his obligation in the penalty of £20 to give a Deed thereof in one week from the date; but before the week expired he was taken sick, and on the 20th day of said Month he dyed praying that She may be empowered to execute the said Deed according to the agreement aforesaid.

[Read and]

Resolved That the prayer of the Petition be granted, and that the said Jerusha Fenno in her Capacity of Administratrix be and hereby is empowered to execute a good Deed of Sale of the Estate of her late Husband John Fenno deed lying in Stoughton to Samuel Kilpatrick of Stoughton aforesaid, which Deed shall be as good to all intents and purposes, as tho the said John had executed a good and lawfull Deed thereof to the said Samuel Kilpatrick in his Life time She to be accountable to the Judge of Probate for the County of Suffolk, that the proceeds of said Sale shall be duly applied to the Heirs of her late Husband.¹ [*Passed February 25.*]

CHAPTER 325.

ORDER ALLOWING £10 TO LIEUT MOSES SCOTT.

Legislative
Records of the
Council, xxiv.,
624.

House Jour-
nal, p. 284.

A PETITION of Moses Scot a Lieu^t in Col^o Hoars Regiment stationed the last Year at Halifax Setting forth That he was appointed to come home last Fall in the Detachment with Col^o Hoar, and prepared himself accordingly; but being taken sick he never got home till a few days since, and being thus ordered off in the Fall he was not intituled to any Hospital Stores, and so was put to great Charge and Expence by reason of his Sickness aforesaid; And praying an allowance.

¹ Not found in the House Journal.

Read and

Ordered that the Sum of Ten pounds be paid out of the Public Treasury to the Petitioner in full for the Expences mentioned. [*Passed February 25.*]

CHAPTER 326.

RESOLVE APPOINTING A COMMITTEE TO ATTEND TO THE SELLING OF THE PROVINCE SHIP KING GEORGE.

IN THE HOUSE OF REPRESENTATIVES The House taking into Consideration the Expediency of making Sale of the Province Ship King George, and the method of proceeding therein.

Resolved that the said Ship be sold at public Vendue in Boston to the highest Bidder on Thursday the 28th day of April next at 3, of the Clock in the Afternoon, and that She be immediately advertised in the public News papers for that purpose; That an Inventory of the Stores and Appurtenances belonging to her (except the Guns and other Warlike Accoutrements) be posted up in some public place a sufficient time before the Sale for the inspection of such as may incline to be purchasers, That the purchaser shall pay down as Earnest at the time she is struck off One hundred & Fifty Pounds in part of the Sum She is sold for, and within five days after shall give a sufficient Security for the remainder payable in Six Months to the Province Treasurer, and that in case the said purchaser neglects giving such Security for the Space of five days from the time of the Sale the said Ship to be then put up to Sale again, and the Money given as Earnest to be forfeited to the use of this province; and in case a second Sale be necessary, the Committee shall give Twenty days Notice thereof, and proceed in the Sale in manner as aforesaid

That his Excellency the Governor be desired to give order that proper care be taken of the Guns and other warlike Stores, belonging to the said Ship, and that Royall Tyler & Thomas Goldthwait Esq^{rs} with such as the Hon^{ble} Board shall join be a Committee to carry this Affair into Execution

In Council Read and Concurred and John Erving Esq^r is joined in the Affair. [*Passed February 25.*]

Legislative
Records of the
Council, xxiv.,
624.

House Jour-
nal, pp. 267, 285,
286.

CHAPTER 327.

ORDER CONFIRMING A PLAN OF 300 ACRES OF LAND TO EBEN^s NICHOLS, ESQ^s

BY VERTUE OF A GRANT made to Ebenezer Nichols Esq^r by the Great and General Court in March 1758. the said Ebenezer Nichols presented a plan of 300 Acres of Land lying at or near a place called Moose point about 6, or 8 Miles above Arundel laid out and measured by Paul Hussey Surveyor, upon which the following order passed viz^t

Read and

Ordered that this plan be allowed, and the three hundred Acres of Land therein delineated and described are hereby granted and

Legislative
Records of the
Council, xxiv.,
625.

House Jour-
nal, pp. 168, 178.
Province
Laws, xvi., 160,
chap. 369.

confirmed to Ebenezer Nichols Esq^r his Heirs and Assigns. Provided the plan exceeds not the Quantity of the Grant, and does not interfere with any former Grant. [*Passed February 25.*]

CHAPTER 328.

Legislative
Records of the
Council, xxiv.,
625.

House Jour-
nal, p. 286.
Ante, p. 250,
chap. 65.

VOTE GRANTING £1,000 ADDITIONAL FOR BUILDING A NEW COLLEGE AT CAMBRIDGE.

Voted, That the further Sum of One thousand pounds be issued by Warrant of the Governor and Council and paid by the Treasurer to the Committee of this Court toward the Grant for Building a new College passed in May Session last. [*Passed February 25.*]

CHAPTER 329.

ORDER IMPOWERING FRA^s WORCESTER, ADM^s, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiv.,
625.

House Jour-
nal, p. 253.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Francis Worcester of Hollis in the province of New Hampshire Adm^r of the Estate of Jesse Worcester late of Newbury in the province of Massachusetts Bay deceased, Setting forth that the said deceased's Debts exceed the amount of his personal Estate £35.6.2 and praying Liberty to Sell the House and House Lot adjoining thereto late the Estate of the said Jesse Worcester lying in Newbury aforesaid in order to discharge the said Debts.

Read and

Ordered that the prayer of this Petition be so far granted, as that the Petitioner in his said Capacity of Administrator be and hereby is authorized, and impowered to make Sale of the House and Lot mentioned for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds thereof. he observing the directions of the Law respecting the Sale of Real Estates by Exec^{rs} & Adm^{rs} and giving sufficient Caution to the Judge of Probate for the County of Essex, that the Overplus (if any be) after the Debts and Charges are paid be secured for the benefit of the said Deceaseds Heirs. [*Passed February 25.*]

CHAPTER 330.

ORDER ALLOWING £3.6.6 TO STEPHEN GAREY, JUN^r.

Legislative
Records of the
Council, xxiv.,
625.

House Jour-
nal, pp. 227, 283.

A PETITION of Stephen Garey jun^r of Norton Setting forth That in the year 1761. he served in Cap^t Williams Company of Col^o Hoars Regiment at the Westward and being drafted out at Albany as a Carpenter, he never joined his Company, and so never received his Cloathing; yet £3.16/ hath been stopped out of his Wages for said Cloathing. And praying Relief.

Read and

Ordered, that the Sum of Three pounds Six Shillings and Six pence¹ be paid out of the public Treasury to Thomas Morey Esq^r for the Use of the Petitioners in full for the Cloathing mentioned. [*Passed February 25.*]

CHAPTER 331.

ORDER ALLOWING £5.13 AND A FURTHER SUM OF £3 TO THO^s KNOWLTON.

A PETITION of Thomas Knowlton of Ipswich Setting forth That in April 1759. he enlisted as a Soldier in Cap^t Davis' Company, and being stationed at Louisbourg remained there till the 5th Dec^r 1760. and on his return was cast away at the Isle of Sable where he continued 42. days when he was taken aboard a Fisherman to whom he paid Three pounds for his passage and did not arrive at his home till 29th January 1761. and that he apprehends he is made up short in the Muster Roll And praying Relief

Legislative
Records of the
Council, xxiv.,
626.

House Jour-
nal, p. 270.

Read and

Ordered that the Sum of Five pounds thirteen shillings be paid out of the public Treasury to the Petitioner in full for his Wages Also the further Sum of Three pounds that he paid Cap^t Salmon for his passage from the Isle of Sables. [*Passed February 25.*]

CHAPTER 332.

ORDER ALLOWING £3.14.8 TO JOHN DAVISON AND STOPPING THE SAME SUM OUT OF WAGES OF CAPT. SIMON JEFFORD.

A PETITION of John Davison of Wenham Setting forth That he served at Halifax as a Soldier in the pay of the Province in 1761. under Capt. Simon Jeffords, and was charged in the Roll with £3.2.8 for a Suit of Cloaths which he never received And praying Releif

Legislative
Records of the
Council, xxiv.,
626.

House Jour-
nal, pp. 126, 265.

Read and

Ordered That the Sum of Three pounds fourteen shillings and Eight pence be paid out of the public Treasury to Cap^t Brown of Wenham for the use of the Petitioner in full ² And

Ordered that the Sum of Three pounds fourteen shillings and Eight pence be stopped out of Captain Simon Jeffords Wages till he account for the disposition of the Cloathing he received of the Quarter Master at Halifax for the Men under his Command. [*Passed February 25.*]

¹ The House Journal, p. 283, reads, "£3. 5. 6."

² The words following "the petitioner in full" are not found in the House Journal.

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1763-64.

LEGISLATIVE LIST¹

FOR

1763-64.

HIS EXCELLENCY FRANCIS BERNARD,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.,

ANDREW OLIVER, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

HON. THOMAS HUTCHINSON	}	THOMAS HANCOCK	}
JOHN OSBORNE		THOMAS HUBBARD	
BENJAMIN LYNDE		ISRAEL WILLIAMS	
SAMUEL DANFORTH		HARRISON GRAY	
SAMUEL WATTS		JOHN CHOATE	
ANDREW OLIVER		JAMES RUSSELL	
ISAAC ROYALL		THOMAS FLUCKER	
JOHN ERVING		NATHANIEL ROPES	
JAMES BOWDOIN		TIMOTHY PAINE.	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	GAMALIEL BRADFORD	}
GEORGE LEONARD		JAMES OTIS	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, Esqrs.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc and Nova Scotia ;

WILLIAM BRATTLE, Esq.

¹ See Legislative Records of the Council, xxv., 1-5.

For the Province, at large:—

BENJAMIN LINCOLN & PETER OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 25, 1763 to April 9, 1764.

MR. TIMOTHY RUGGLES, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . . Royall Tyler, Esq.,
 James Otis, Esq.,
 Thomas Cushing, Esq.,
 Oxenbridge Thacher, Esq.
Roxbury, . . . Joseph Williams, Esq.
Dorchester, . . . John Robinson, Esq.
Milton, . . . Andrew Belcher, Esq.
Braintree, . . . Capt. Ebenezer Thayer.
Weymouth, . . . James Humphrey, Esq.
Hingham, . . . Mr. Joshua Hearsey.
Dedham, . . . Eliphalet Pond, Esq.
Medfield, . . . Mr. Seth Clark.
Stoughton, . . . Joseph Hewins, Esq.
Wrentham, . . . Capt. Timothy Metcalf.
Medway, . . . Elisha Adams, Esq.
Chelsea, . . . Thomas Goldthwait, Esq.

COUNTY OF ESSEX.

Salem, . . . William Brown, Esq.,
 Andrew Oliver, Jr., Esq.
Ipswich, . . . Samuel Rogers, Esq.
Newbury, . . . Joseph Gerrish, Jr., Esq.,
 Capt. Moses Little.
Lynn, . . . William Collins, Esq.
Marblehead, . . . Jacob Fowle, Esq.
Andover, . . . Samuel Phillips, Esq.
Beverly, . . . Mr. Henry Herrick.
Rowley, . . . Mr. Thomas Lancaster.
Salisbury, . . . Caleb Cushing, Esq.
Haverhill, . . . Richard Saltonstall, Esq.
Glocester, . . . Thomas Sanders, Jr., Esq.
Almstury, . . . Jonathan Bagley, Esq.
Bradford, . . . Benjamin Milliken, Esq.
Boxford, . . . Aaron Wood, Esq.
Danvers, . . . Mr. Thomas Porter.

COUNTY OF MIDDLESEX.

Cambridge, . . . Andrew Bordman, Esq.,
 Edmund Trowbridge,
 Esq.

COUNTY OF MIDDLESEX — *Concluded.*

Charlestown, . . . Capt. Samuel Henley.
Woburn, . . . James Fowle, Esq.
Concord, . . . Charles Prescott, Esq.
Reading, . . . Ebenezer Nichols, Esq.
Newtown, . . . Thomas Greenwood, Esq.
Marlborough, . . . Mr. John Warren.
Groton,
Shirley & } Capt. Abel Lawrence.
Pepperrell,
Watertown, . . . Mr. Daniel Whitney.
Billerica, . . . Capt. Enoch Kidder.
Frammingham, . . . Joseph Buckminster, Esq.
Lexington, . . . Benjamin Reed, Esq.
Weston, . . . Elisha Jones, Esq.
Chelmsford, . . . Sampson Stoddard, Esq.
Malden, . . . Capt. John Dexter.
Medford, . . . Stephen Hall, Esq.
Sudbury, . . . John Noyes, Esq.
Sherburne, . . . Mr. Jonathan Russell.
Waltham, . . . Samuel Livermore, Esq.
Stow, . . . Henry Gardner, Esq.
Lincoln, . . . Hon. Chambers Russell,
 Esq.
Hopkinton, . . . John Jones, Esq.

COUNTY OF HAMPSHIRE.

Springfield, . . . John Worthington, Esq.,
 Josiah Dwight, Esq.
Northampton, } Timothy Dwight, Jr.,
Southampton & } Esq.
Hadley,¹
South Hadley } Eleazer Porter, Esq.
and Amherst, }
Hatfield, . . . Mr. William Williams.
Deerfield and }
Greenfield, } Mr. Jonathan Ashley, Jr.
Westfield, . . . Eldad Taylor, Esq.
Sunderland, . . . Mr. Fellows Billing.
Brimfield & }
Monson, } Daniel Burt, Esq.

¹ The House Journal, p. 4, reads, "Hadley, South Hadley & Amherst."

COUNTY OF WORCESTER.

<i>Worcester,</i>	. . .	John Chandler, Esq.
<i>Lancaster,</i>	. . .	Mr. David Wilder.
<i>Brookfield,</i>	. . .	Jedediah Foster, Esq.
<i>Sutton,</i>	. . .	Capt. Henry King.
<i>Rutland and Rutland Dis- trict,</i>	}	John Murray, Esq.
<i>Sturbridge,</i>	. . .	Moses Marcy, Esq.
<i>Westborough,</i>	. . .	Francis Whipple, Esq.
<i>Southborough,</i>	. . .	Ezra Taylor, Esq.
<i>Hardwick,</i>	. . .	Hon. Timothy Ruggles, Esq., Speaker.
<i>Lunenburg,</i>	. . .	Edward Hartwell, Esq.
<i>Shrewsbury,</i>	. . .	Artemas Ward, Esq.
<i>Petersham,</i>	. . .	Joshua Willard, Esq.
<i>Oxford,</i>	. . .	Edward Davis, Esq.
<i>Bolton,</i>	. . .	John Whetcomb, Esq.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	. . .	Thomas Foster, Esq.
<i>Scituate,</i>	. . .	Thomas Clapp, Esq.
<i>Marshfield,</i>	. . .	John Winslow, Esq.
<i>Duxbury,</i>	. . .	Briggs Alden, Esq.
<i>Bridgewater,</i>	. . .	Daniel Howard, Esq.
<i>Middleborough,</i>	. . .	Capt. Ebenezer Sprunt.
<i>Rochester,</i>	. . .	Nathaniel Ruggles, Esq.
<i>Plympton,</i>	. . .	Capt. John Bradford.
<i>Pembroke,</i>	. . .	Mr. John Turner.
<i>Abington,</i>	. . .	Capt. Woodbridge Brown.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. . .	Mr. Cornelius Crocker.
<i>Sandwich,</i>	. . .	Mr. Stephen Nye.
<i>Eastham,</i>	. . .	Capt. Solomon Pepper.
<i>Harwich,</i>	. . .	Mr. Chillingworth Foster, Jr.

COUNTY OF BARNSTABLE—*Concluded.*

Yarmouth, . . Mr. Daniel Hall.
Falmouth, . . Thomas Smith, Esq.

COUNTY OF BRISTOL.

Taunton, . . . James Williams, Esq.
Rehoboth, . . . Capt. James Clay.
Norton, . . . Thomas Morey, Esq.
Swansey, . . . Jerathmeel Bowers, Esq.
Dartmouth, . . . Mr. Walter Spooner.
Attleborough, . . . Stephen Fuller, Esq.
Dighton, . . . Mr. Ebenezer Stetson.
Freetown, . . . Thomas Gilbert, Esq.

COUNTY OF YORK.

York, ... Capt. Thomas Bragdon.
Kittery, . . . James Gowen, Esq.
Wells, . . . Joseph Sawyer, Esq.
Berwick, . . Benjamin Chadburne,
 Esq.
Biddeford, . . Samuel Jordan, Esq.

IN THE COUNTY OF NANTUCKET.

Sherburne, . . . Abishai Folger, Esq.

COUNTY OF CUMBERLAND.

Falmouth, . . . Francis Waldo, Esq.
Scarborough, . . . Edward Milliken, Esq.

COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	}	Joseph Dwight, Esq.,
<i>Barrington and</i>		John Ashley, Esq.
<i>Egremont,</i>		
<i>Stockbridge, . .</i>		Elijah Williams, Esq.
<i>Tyringham, . .</i>		Capt. John Chadwick.
<i>Pittsfield, . . .</i>		Mr. Charles Goodrich.



RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1763.

CHAPTER 1.

VOTE SUBSTITUTING THOMAS CUSHING FOR JOHN PHILLIPS TO COUNTERSIGN TREASURERS' NOTES.

Legislative
Records of the
Council,
xxv., 8.

THE TWO HOUSES according to agreement proceeded to the choice of a person to sign the Treasurers Notes in the room of John Phillips Esq^r deced; the Votes being counted and sorted it appeared that Thomas Cushing Esq^r was chosen by a major Vote of the Council and House of Representatives. [*Passed May 27.*]

House Jour-
nal, pp. 12, 14.
Ante, p. 161,
chap. 377.

CHAPTER 2.

VOTE CHOOSING A COLLECTOR OF EXCISE FOR YORK COUNTY.

THE TWO HOUSES according to Agreement proceeded to the choice of a Collector of Excise for the County of York the current Year, the Votes being counted and sorted, it appeared that Mr David Sewall was chosen by a Major Vote of the Council and House of Representatives. [*Passed May 28.*]

Legislative
Records of the
Council, xxv.,
10.

House Jour-
nal, pp. 16, 20.

CHAPTER 3.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BRISTOL AND
ALLOWING £1. 11. 6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to make Sale of the duties of Excise on Tea, Coffee and China Ware in the County of Bristol made report that they had sold the same to Jonathan Cobb for Thirty one pounds, and taken Bond therefor which they had delivered to the Province Treasurer, And Prayed Allowance of Thirty one shillings and six pence, the charge attending the Sale

Read and Accepted: And

Ordered that the sum of One pound eleven shillings and six pence be paid out of the Treasury to the Committee for their Service in the Affair. [*Passed May 28.*]

Legislative
Records of the
Council, xxv.,
10.

House Jour-
nal, p. 233
(February,
1763); p. 17.
Ante, p. 340,
chap. 263.

CHAPTER 4.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF ESSEX AND
ALLOWING £1. 13. 11 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
10.

House Jour-
nal, p. 232
(February,
1763); p. 17.
Ante, p. 338,
chap. 257.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea, Coffee and China Ware in the County of Essex made report that they had sold the same to Mr Nathan Jones for Seven hundred and twenty pounds, and taken Bond therefor, which they had delivered to the Province Treasurer, And prayed Allowance of Thirty three shillings and eleven pence the charge attending the Sale.

Read and

Ordered That the Sum of One pound thirteen shillings and eleven pence be paid out of the Treasury to the Committee for their Service in the Affair. [*Passed May 28.*]

CHAPTER 5.

ORDER ANNEXING WHITES FARM AND THE GORE OF LAND ADJACENT
TO THE TOWN OF LEOMINSTER.

Legislative
Records of the
Council, xxv.,
10.

House Jour-
nal, pp. 16, 20.

A PETITION of Thomas Stearns Setting forth That he occupys and mostly owns, a Farm called Whites Farm in the County of Worcester containing two hundred and seventy five Acres which Farm is not within any Township but lies within twenty eight rods of the northerly Line of Leominster where he usually attends the public Worship. And Praying that the said Farm together with a Gore of Land of about twenty eight rods wide which lyes between the same and the Town of Leominster may be annexed to the said Town

Read and

Ordered That the Petitioner Thomas Stearns with the Farm called Whites Farm which he now occupys and which lyes in the County of Worcester, together with the Gore of Land of about twenty eight rods wide lying between said Town and the Town of Leominster be, and hereby is annexed to the Town of Leominster aforesaid, there to do duty and receive priviledge for the future. [*Passed May 28.*]

CHAPTER 6.

ORDER IMPOWERING ZEB^U LEONARD, GUARDIAN, TO EXCHANGE LANDS.

Legislative
Records of the
Council, xxv.,
11.

House Jour-
nal, pp. 17, 18.

A PETITION of Zebulon Leonard of Middleborough, Guardian of Elkanah Leonard Esq^r of said Middleborough, a person non compos mentis Praying that he may be impowered in his capacity aforesaid to make an exchange of some part of the said Elkanahs Lands for the Land adjoining, belonging to Micah Leonard, of which his Father Simeon Leonard dyed seized, and is now settled on the said micah; which exchange would mutually accomodate both Parties.

[Read and]

Ordered That Zebulon Leonard the Petitioner in his capacity of Guardian to his Father Elkanah Leonard Esq^r non compos, be and is hereby fully authorized and impowered to make the Exchange of the Lands with Micah Leonard as proposed in the said Petition and to execute a good deed of Exchange with him accordingly. [*Passed May 28.*]

CHAPTER 7.

ORDER APPOINTING A COMMITTEE TO PROVIDE A NEW IMPRESSION OF THE TEMPORARY LAWS OF THE PROVINCE AND DIRECTING THE DISTRIBUTION THEREOF.

In the House of Representatives

Ordered That Thomas Morey, Thomas Goldthwait and Thomas Clapp Esq^{rs} with such as the hon^{ble} Board shall join be a Committee to provide a new Impression of the temporary Laws with a Table to the same; one book for each Member of the General Court last Year, and one for each Member of the Court this Year that was not so the last; and one Book for each Town and District within this Province that pay Public Taxes; and one book to be lodg'd with each Clerk of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in the several Counties for the use of said Courts and one sett of the perpetual and Temporary Laws to be lodg'd with the Sheriffs in each County for the use of the executive Courts that shall be from time to time held in each respective County.

In Council Read and Concurred and William Brattle and Thomas Flucker Esq^{rs} are joined in the Affair. [*Passed May 30.*]

Legislative
Records of the
Council, xxv.,
12.

House Jour-
nal, p. 13.

CHAPTER 8.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF CUMBERLAND AND ALLOWING £1. 19 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Cumberland made report that they had Sold the same to M^r Theophilus Bradbury for ninety pounds, six shillings and taken Bond for the same which they had delivered to the Treasurer. And prayed allowance of Thirty nine shillings the charge attending the Sale.

Read and

Ordered That this Report be accepted, and that the sum of One pound nineteen shillings be paid out of the Public Treasury to the Committee for their Service in this Affair. [*Passed May 30.*]

Legislative
Records of the
Council, xxv.,
12.

House Jour-
nal, p. 234
(February,
1763); p. 25.
Ante, p. 341,
chap. 267.

CHAPTER 9.

ORDER IMPOWERING SARAH CHEEVER, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Cheever of Manchester Widow, and Guardian to her Child Samuel Cheever, a minor of about 8 Years of Age. Setting forth, That the said Samuel holds a small piece of

Legislative
Records of the
Council, xxv.,
13.

House Journal, p. 24.
Province Laws, ii., 151,
chap. 10.

Land containing about half an Acre situate in Marblehead heretofore parcel of the Estate of his Father the Rev^d M^r Ames Cheever late of Manchester deceased, which Land is under no improvement, but is daily growing worse by reason of the Inroads of the Sea. And Praying liberty to Sell the same for the benefit of the Minor.

[Read and]

Ordered That the Prayer of this Petition be so far granted as that the Petitioner in her said capacity as Guardian to her Son Samuel Cheever be and is hereby fully authorized and impowered to make Sale of the half Acre of Land mentioned in said Petition for the most the same will fetch and to execute a good deed in the Law of the same, She observing the directions of the Law relating to the Sale of Real Estates by Executors or Administrators and giving caution to the Judge of Probate for the County of Essex that the proceeds arising by said Sale be put to interest for the Support and maintenance of her Son Samuel. [*Passed May 30.*]

CHAPTER 10.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE & CHINAWARE FOR THE COUNTY OF BARNSTABLE AND ALLOWING £1. 10. FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxv., 14.

House Journal, p. 233
(February, 1763); p. 29.
Ante, p. 340,
chap. 262.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Barnstable made report that they had sold the same to Isaac Hinkley Esq^r for £43.6.8 and taken bond for the same which they had lodged with the Province Treasurer: And Prayed Allowance of the charge attending the Sale amounting to thirty shillings.

Read and Accepted: And

Ordered That the sum of One pound ten shillings be allowed and paid out of the Public Treasury to the Committee for their Service in the affair. [*Passed May 31.*]

CHAPTER 11.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £2. 5. 8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxv., 14.

House Journal, p. 233
(February, 1763); p. 28.
Ante, p. 339,
chap. 259.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and china Ware in the County of Plymouth made report that they had sold the same to m^r William Rand jun^r for One hundred and sixty two pounds, and had taken bond for the same which they had lodg'd with the Province Treasurer. And prayed Allowance of the charge attending the Sale amounting to Two pounds five shillings and eight pence

Read and Accepted: And

Ordered that the sum of Two pounds five shillings and eight pence be allowed and paid out of the Public Treasury to the Committee for their Service in the Affair. [*Passed May 31.*]

CHAPTER 12.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF NANTUCKET AND ALLOWING £1.7.8 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea, Coffee and china Ware in the County of Nantucket made report that they had sold the same to Thomas Arthur for Thirty seven pounds, six shillings and eight pence and taken bond for the same which they had delivered to the Province Treasurer: And Prayed allowance of the charge attending the Sale amounting to One pound seven shillings and eight pence.

Read and Accepted: And

Ordered That the sum of One pound seven shillings and eight pence be allowed and paid out of the Public Treasury to the Committee for their Service in the Affair. [*Passed May 31.*]

Legislative
Records of the
Council, xxv.,
14.

House Journal,
p. 234
(February,
1763); p. 29.
Ante, p. 341,
chap. 266.

CHAPTER 13.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE HOUSE took into consideration the Petitions of Sick and Wounded Soldiers, and thereupon the following Votes passed Viz^t

Ordered That the sum of Two pounds fourteen shillings and eight pence be paid out of the Public Treasury to Edward Hartwell Esq^r for the use of Moses Kitter in full.

To Thomas Clapp Esq^r £3.4 for the use of Michael Vickers in full.

To Cap^t Woodbridge Brown £1.16 for the use of Jonathan Chubbuck in full.

To Thomas Clapp Esq^r £3.6 for the use of Joseph Elms in full.

To James Humphrey Esq^r £6 for the use of Benoni Hunt in full.

To Tho^s Clap Esq^r £3.18 exclusive of the Doctors Bill for the use of W^m Hollowell in full

To James Gowen Esq^r £2.8 for the use of Eleazer Forgunson in full.

To Charles Prescot Esq^r £3.10 for the use of Reuben Horsmer in full.

To Cap^t Woodbridge Brown £4.4 for the use of Adam Cushing in full.

To Charles Prescot Esq^r £2.0.8 for the use of John Darby in full.

To James Humphrey Esq^r £2.14 for the use of Thomas Hollis in full.

To M^r Joshua Hersey £2.6 for the use of Urban Lewis in full.

To Charles Prescot Esq^r £3.0.4 for the use of John Crag in full.

To M^r Joshua Hersey £1.14 for the use of Lot Lincoln in full.

To Ezra Taylor Esq^r £3 for the use of Simon Millen in full.

To Cap^t Abel Lawrence £2.14 for the use of Nathan Smith in full.

To Cap^t Woodbridge Brown £3.2 for the use of Abigail Whitman in full.

To Cap^t Abel Lawrence £1.4 for the use of Joshua Johnson in full.

To Cap^t Woodbridge Brown £3.12 for the use of Daniel Garnet in full.

To Cap^t Abel Lawrence £5.6.8 for the use of Mephibosheth Adams in full. [*Passed May 31.*]

Legislative
Records of the
Council, xxv.,
15.

Mass.
Archives,
1xxx., 263½,
285, 286, 295, 296,
297, 298, 311, 338,
339, 340, 341, 345,
346, 347, 348, 349,
350, 359. House
Journal, pp. 20,
21.

CHAPTER 14.

ORDER REMITTING TO THE TOWN OF SUNDERLAND AND DISTRICT OF MONTAGUE £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative
Records of the
Council, xxv.,
17.

House Jour-
nal, p. 26.
Province
Laws, iv., 588,
chap. 12; 632,
note.

A PETITION of Fellows Billing Representative of the Town of Sunderland Praying that the Province Treasurer may be directed to repay the sum of Ten pounds, a Fine laid upon the Town of Sunderland and District of Montague for not sending a Representative to Court the last year, their numbers being small, and their public charges having been very great; besides which they have had the misfortune to have two School houses consumed by Fire.

Read and

Ordered That the Prayer of the Petition be granted. And the Petitioner is allowed to receive out of the Public Treasury the Sum of Ten pounds for the use of the Town of Sunderland and Montague accordingly. [*Passed May 31.*]

CHAPTER 15.

ORDER ALLOWING 36/ TO PHILIP LEONARD.

Legislative
Records of the
Council, xxv.,
17.

Mass.
Archives,
lxxx., 365.
House Jour-
nal, pp. 26, 28.

A PETITION of Philip Leonard, a Soldier in the Pay of the Province in 1759 Praying an Allowance for his Service, the charge whereof was then casually omitted.

Read and

Ordered That the Sum of Thirty six shillings be paid out of the Public Treasury to the Petitioner in full for his Service within mentioned. [*Passed May 31.*]

CHAPTER 16.

ORDER ALLOWING £3.12.8 TO SOL^o BRYANT, JOSEPH RICHARDS AND REUBEN COGNEHEW, INDIANS.

Legislative
Records of the
Council, xxv.,
17.

Legislative
Records of the
Council, xxiv.,
219, 609; xxv.,
9, 11. House
Journal,
pp. 266, 267
(February,
1763); p. 31.
Province
Laws, iv., 692,
note.

A PETITION of Solomon Bryant, Joseph Richards and Reuben Cognehue of Mashpee, Indians: Praying an Allowance of the expence of their Journey to Boston in consequence of an Order of the General Court of the 15th of February last.

Read and

Ordered That the Prayer of this Petition be granted: And that the Sum of Three pounds twelve shillings and eight pence be allowed out of the Public Treasury to the Petitioner in order to defrey the expences within mentioned. [*Passed May 31.*]

CHAPTER 17.

ORDER ALLOWING £3 TO REV. GIDEON HAWLEY.

Ordered That the Sum of Three pounds be granted out of the Publick Treasury to the Rev^d Gideon Hawley Missionary to the Mashpee Indians for his expences in attending upon the Affair of said Indians agreeable to the order of this Court. [*Passed May 31.*]

Legislative
Records of the
Council, xxv.,
18.

Legislative
Records of the
Council, xxiv.,
160, 609. House
Journal,
pp. 266, 267
(February,
1763); p. 32.
Supra, chap.
16.

CHAPTER 18.

RESOLVE EXCUSING JONATHAN BANE, JUN^R, AND EBENEZER BANE FROM PAYING TAXES IN BIDDEFORD AND DIRECTING THEM TO PAY IN NARRAGANSETT N^O 1.

A PETITION of Jonathan [Jun^r] and Ebenezer Bean¹ of the Block house in Saco River Setting forth, That they live within less than three miles of the meeting House at Narraganset N^O 1. where they usually attend the Public Worship, and where they are rated: That they are likewise rated at Biddeford althô. they live twelve miles distant from the meeting house there, and althô. the Bounds of said Township do not come within twelve miles of the place of their Dwelling. And Praying Relief.

Read and

Resolved That the Prayer of the Petition be so far granted as that the Petitioners be excused from paying Taxes to the Town of Biddeford, and that they pay taxes to Narraganset N^O 1. 'till the further order of this Court. [*Passed May 31.*]

Legislative
Records of the
Council, xxv.,
18.

House Jour-
nal, pp. 26, 31,
32.

CHAPTER 19.

ORDER DIRECTING THE COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF SUFFOLK TO PUT IT UP FOR SALE AGAIN.

Ordered That the Committee for farming the Excise for the County of Suffolk be directed to put it up to Sale again. And that the Sum paid by the last² be retained to pay the cost of the Auction. And that the same Committee be directed to deliver up to the last Bidder the note of hand by him Signed and given to Samuel Watts Esq^r. [*Passed June 1.*]

Legislative
Records of the
Council, xxv.,
20.

House Jour-
nal, pp. 18, 36.
Ante, p. 338,
chap. 256.

¹ The House Journal, p. 31, reads, "Bane."

² See House Journal, p. 18.

CHAPTER 20.

ORDER IMPOWERING EB^s FRENCH, TRUSTEE, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
20.

House Jour-
nal, p. 34.
Province
Laws, li., 151,
chap. 10.

A PETITION of Ebenezer French of Billerica Setting forth, That Samuel Hill jun^r late of Billerica deceased in his last Will and Testament gave to his daughter Mary Dutton and to her heirs and assigns forever one sixth part of his Real Estate lying in Billerica and Tewksbury, That the said Mary dyed before the said Samuel, on which he added to his said Will a Codicil thereby constituting and appointing the Petitioner a Trustee to take care of that part of his Estate devised as aforesaid, and to take the same into his hands & distribute among the seven Children of the said Mary Dutton, viz^t Mary, Silas, Sarah, Hannah, Sibbel, Thomas and Elisabeth, as they should come of age or be married; but made no provision for the Sale of said Lands; And as some of the said Children are of age, and Others are married and call upon the Petitioner for their Shares, Praying that he may be empowered to make sale of the said Estates, and distribute the proceeds agreeable to his Trust.

[Read and]

Ordered That the Prayer of this Petition be granted: and that the Petitioner be and is hereby fully Authorised and empowered to make sale of the Lands mentioned in said Petition lying and being in Billerica and Tewksbury, belonging to the Children of Mary Dutton deceased, particularly named in said Petition, and to execute a good deed or deeds in the law of the same, observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the money arising by the Sale thereof shall be distributed to those of the Children that are of full age or married their whole Share. And Shares of those that are minors shall be put to interest, and be paid them as they shall come of age, or are married. [*Passed June 1.*]

CHAPTER 21.

ORDER REMITTING TO THE TOWN OF HOPKINTON £9. 15. 5 FINE FOR
NOT SENDING A REPRESENTATIVE.

Legislative
Records of the
Council, xxv.,
21.

House Jour-
nal, p. 35.
Province
Laws, iv., 587,
chap. 12; 632,
note.

A PETITION of John Jones Esq^r Representative of Hopkinton, and in behalf of said Town, Praying That in consideration of some peculiar burdens they lye under, a fine of £9.15.6 imposed on them by the Court for not sending a Representative to the General Court, may be remitted.

Read and

Ordered That the Prayer of the Petition be granted: And that the Sum of Nine pounds fifteen shillings and five pence be granted out of the Public Treasury to John Jones Esq^r for the use of the Town of Hopkinton accordingly. [*Passed June 1.*]

CHAPTER 22.

ORDER IMPOWERING SARAH PALMER, EXECUTRIX, TO SELL REAL ESTATES AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Palmer, Widow, and Executrix of the last Will and Testament of Bezaleel Palmer late of Scituate, Yeoman deceased, Setting forth, That the Inventory of the deceaseds Estate amounted to £709.17.4; and that his debts amounted to £135 more than his personal Estate. That She hath already sold of the Real Estate to the amount of about Fifty pounds, by vertue of an Order of the Superior Court; that there still remains about fifty Acres of Land with a House and Barn thereon, much out of Repair; that by the Will aforesaid She hath the improvement of the whole given her during her Widowhood; that the deceased left two daughters, both young, who have no other means of Support. And Praying leave to sell the said Estate She to be accountable.

[Read and]

Ordered That this Petition be so far granted, as that the Petitioner be, and is hereby fully authorised and impowered to make sale of the House and Lands within mentioned for the most the same will fetch, and to execute a good deed or deeds in law for the same, observing the directions of the Law for the sale of Real Estates, and giving sufficient caution to the Judge of Probate for the County of Plymouth, that the money arising by sale thereof shall be paid to the two daughters, Huldah and Sarah, of the said Bezaleel Palmer deceased or their legal Representatives, at the decease or marriage of their mother Sarah, which shall first happen, the just debts of the said Bezaleel being first paid. [*Passed June 2.*]

Legislative
Records of the
Council, xxv.,
21.

House Jour-
nal, p. 40.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 23.

RESOLVE ALLOWING £20 TO REV. DR. SEWALL MINISTER AT PROVINCE TOWN.

Resolved That the sum of Twenty pounds be allow'd and paid out of the Public Treasury to the Rev^d Doctor Sewall or his order to be employed for the support of a Protestant minister in Province Town, He to give an Account to this Court, how the money shall be expended. [*Passed June 3.*]

Legislative
Records of the
Council, xxv.,
23.

House Jour-
nal, pp. 15, 16,
45, 46.

CHAPTER 24.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Worcester made report that they had sold the same to M^r Nathan Jones for Sixty

Legislative
Records of the
Council, xxv.,
23.

House Journal, pp. 52, 53.
Ante, p. 339, chap. 260.

five pounds and taken bond for the same which they had delivered to the Province Treasurer. And prayed allowance of 12^s/, the charge attending the Sale.

Read and Accepted. And

Ordered That the sum of twelve shillings be paid out of the Public Treasury to the Committee for their Service in the Affair.
 [Passed June 3.]

CHAPTER 25.

RESOLVE ALLOWING £75.12 TO REV. ELEAZ^r WHEELOCK, ETC.

Legislative Records of the Council, xxv., 24.

House Journal, p. 42.
 Province Laws, xiv., 564, chap. 66. *Ante*, p. 62, chap. 150.

A PETITION of the Rev^d M^r Eleazer Wheelock of Lebanon, Praying an Allowance for the Board, cloathing and Education of six Mohawk Boys pursuant to a Vote of the General Court in Nov^r 1761.

Read and

Resolved That the Account herewith exhibited for subsisting cloathing &c of six Mohawk Boys agreeable to the Order of this Court in November 1761 & ending November 1762, amounting to £75.12 is just and reasonable and that he be allowed and paid the same out of the interest of S^r Peter Warrens charitable donation for the education of the Children of the Six Nations. And it appearing that the said Boys have made good proficiency in writing, reading &c under the care of the Petitioner.

Resolved That for their further education they be continued under his care until the 27 of Nov^r next, which will compleat his second year: And that he be allow'd therefor at the rate of twelve pounds for each of such Boys so subsisted, cloathed and instructed from Novem^r 27: 1762 to Novem^r 27: 1763, and no more to be paid out of the Fund aforesaid. [Passed June 3.]

CHAPTER 26.

ORDER REMITTING TO THO^s MERRYMAN A FINE FOR SELLING RUM WITHOUT A LICENSE.

Legislative Records of the Council, xxv., 25.

Province Laws, iv., 499, chap. 24; 548, note. House Journal, pp. 37, 42.

A PETITION of Thomas Meryman Setting forth, That he thrô: ignorance and without any intention of Fraud did on the 12th of February 1762 sell two barrells of Rum containing 62½ gallons to Francis Wyman of George Town in the County of Lincoln, a person licensed to sell the same whereby the duty of Excise has been accounted for, although the Petitioner himself had no permit to sell such Liquors. And Praying that he may be exempted from the Penalty of the Law for selling said Rum as aforesaid.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Fine within mentioned be remitted, so far as it relates to the Province. [Passed June 3.]

CHAPTER 27.

ORDER ALLOWING £2. 15. 1 TO GEO: BARNARD.

A PETITION of George Barnard late a Sergeant in Cap^t Hammonds Company at Halifax in Nova Scotia, Praying an allowance for one months pay entred short in the Muster Roll, and some expences he was at on his return home.

Legislative
Records of the
Council, xxv.,
25.

House Jour-
nal, pp. 24, 38.

Read and

Ordered That the Sum of two pounds, fifteen shillings and one penny be paid out of the Publick Treasury to M^r James Wesson for the use of the Petitioner in full. [*Passed June 3.*]

CHAPTER 28.

RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF BERWICK TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Chadburne Esq^r in behalf of the Town of Berwick. Setting forth. That one Jabez Tibbitts, who had been out in his Majesty's Service was upon his return taken sick of the Small Pox and dyed, on which occasion the said Town expended on him £16.3.4. That he died seized of about ten Acres of poor wild Land, but left no child, and his Widow being married again, no body will administer on his Estate. And Praying That the Selectmen of said Town may be impowered to make sale of the said Land to reimburse what they have advanced as aforesaid: they to be accountable for the Overplus, if any such there be.

Legislative
Records of the
Council, xxv.,
26.

House Jour-
nal, pp. 24, 39.

Read and

Resolved That the Selectmen of the Town of Berwick for the time being, be, and they hereby are impowered to make sale of the Land herein mentioned (the Estate of Jabez Tibbetts deceased) for the most the same will fetch, and to execute a good deed or deeds for the same: And the Overplus arising by such Sale (if any there be after the expences of the Sale, and the said Tibbetts Sickness and Funeral charges are paid) to be paid to his legal Representative, or to those to whom by Law it belongs. [*Passed June 3.*]

CHAPTER 29.

ORDER ALLOWING £1. 16 TO ASA SPAULDING.

A PETITION of Asa Spaulding of Billerica Setting forth, That in the Year 1758, his molatto Servant William Eaton inlisted into his Majesty's Service, and being captivated was carried to Canada. That upon the Governors Proclamation he furnished his said Servant with a good Gun, which he lost together with his Servant. And Praying Relief.

Legislative
Records of the
Council, xxv.,
26.

House Jour-
nal, pp. 27, 43.

Read and

Ordered That the Sum of One pound, sixteen shillings be paid out of the Public Treasury to Cap^t Enoch Kidder for the use of the Petitioner in full. [*Passed June 3.*]

CHAPTER 30.

ORDER ALLOWING £4. 6. 4 TO JN^o DREW.

Legislative
Records of the
Council, xxv.,
27.

House Jour-
nal, p. 43.

A PETITION of John Drew of Halifax, Setting forth, That in the Year 1759, he was pressed into his majesty's Service in April, and sent to Castle William, where he was detained by reason of Sickness till the middle of June, and that he hath received neither bounty money, billeting or Wages. And Praying Relief.

Read and

Ordered That the Sum of Four pounds, six shillings and four pence be paid out of the Public Treasury to Cap^t Sprout for the use of the Petitioner in full. [*Passed June 3.*]

CHAPTER 31.

ORDER ALLOWING £1. 18. 10 TO LIEUT^r BENJ^a BYAM.

Legislative
Records of the
Council, xxv.,
27.

House Jour-
nal, pp. 32, 33.

A PETITION of Benjamin Byam a Lieutenant in the Service the last Year, Praying an Allowance for fifteen days Service omitted in the muster Roll.

Read and

Ordered That the Sum of One pound, eighteen shillings and ten pence be paid out of the Public Treasury to Sampson Stoddard Esq^r for the use of the Petitioner in full. [*Passed June 3.*]

CHAPTER 32.

ORDER IMPOWERING THE PROPRIETORS OF COMMON AND UNDIVIDED LANDS IN NATICK TO SELL PART OF SAME AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
28.

House Jour-
nal, p. 52.
Province
Laws, xvi., 241,
chap. 76, note.

A PETITION of John Jones Esq^r in the name and by order of the Committee of the Proprietors of the Common and undivided Lands in Natick Praying leave to sell so much of their said Lands as will enable them to defrey some charges they have been at in making a division of their said Lands, and other Services not exceeding the value of Twenty pounds; and that they may be enabled to make a deed of twenty Acres thereof to Deacon Ebenezer Felch for his Service as Clerk and Surveyor to said Proprietors for nineteen Years past.

Read and

Ordered That the Prayer of this Petition be granted, and that the Proprietors of the Town of Natick with the consent and assistance of their Guardians are hereby authorized and empowered to make Sale of so much of their Lands as is sufficient to pay their

Chainmen; and twenty Acres of Land to Ebenezer Felch the Surveyor, and their other debts from them the said Proprietors: and that John Ephraim be appointed to sign deeds of the conveyance in the name and behalf of said Proprietors with the consent of their Guardians. [*Passed June 3.*]

CHAPTER 33.

ORDER IMPOWERING JN^o EPHRAIM, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Ephraim of Natick, Indian Planter, Setting forth That he purchased some Years ago about fifty Acres of Land in Natick with a small House and Barn thereon, besides which he has another House and Barn with about thirty Acres of Land, which he now improves; that he is in debt as well for the necessaries of Life as on account of his purchase abovementioned. And Praying that he may have liberty to sell the said Estate again in order to discharge his debts.

[Read and]

Ordered That the Prayer of this Petition be granted, and that the Petitioner be, and he is hereby fully authorized and empowered with the Assistance of the Guardians of the Natick Indians to make sale of the fifty Acres of Land with the Buildings thereon mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds thereof, and the money arising by the said Sale after paying the Petitioners just debts, shall be by the said Guardians put out to interest for the use and benefit of the Petitioner. [*Passed June 3.*]

Legislative
Records of the
Council, xxv.,
29.

House Jour-
nal, p. 51.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 34.

RESOLVE IMPOWERING DAVID CUTLER, EXECUTOR, TO EXECUTE A DEED.

A PETITION of David Cutler of Western, Executor of the last Will and Testament of his Father David Cutler late of Lexington deced, Setting forth, That about three years since the Testator took a deed of a Tract of Land in Brookfield from Samuel Hodgman, but agreed with the said Samuel that upon the payment of £26.13.4 with Interest, he would reconvey the Land, the deed however was absolute; yet as the said Samuel Hodgman has paid the money according to agreement, and the heirs are knowing to the Agreement, and consenting to its being fulfilled: He prays that he may be empowered to reconvey the said Land accordingly.

Read and

Resolved That the Petitioner in his said capacity be, and he is hereby fully empowered to make and execute a deed of release of the Land mentioned in this Petition to the said Samuel, he the said David giving Security to the Judge of Probate for the County of Middlesex that he will be accountable for the said Sum of Twenty six pounds thirteen shillings and four pence mentioned in this Peti-

Legislative
Records of the
Council, xxv.,
30.

House Jour-
nal, pp. 27, 51,
52.

tion and the interest thereof for the time past, and for the interest that shall hereafter arise thereon and pay the same when and to whom by Law he ought. [*Passed June 3.*]

CHAPTER 35.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE MESSAGE OF THE GOVERNOR OF JUNE 1, AND RESOLVE DESIRING THE APPOINTMENT OF A MATHEMATICIAN.

Legislative
Records of the
Council, xxv.,
28.

Legislative
Records of the
Council, xxv.,
19. House
Journal, pp. 36,
54. Province
Laws, iv., 791,
note.

THE COMMITTEE appointed on his Excellency's Message¹ of the 1st Instant made the following Report

The Committee abovementioned having met and taken his Excellency's Message into consideration beg leave to report it as their opinion That it is expedient an able mathematician should be engaged for the purposes pointed out in his Excellency's Message. And That his Excellency be desired to appoint one accordingly.

Read and

Ordered That this Report be accepted: and thereupon

Resolved That his Excellency be desired to appoint an able mathematician for the purposes mentioned accordingly. [*Passed June 7.*]

CHAPTER 36.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF DAV^d EVANS FOR A NEW TRIAL.

Legislative
Records of the
Council, xxv.,
33.

House Jour-
nal, p. 53.

A PETITION of David Evans of Salisbury Setting forth That in November last John Bordman of Newbury commenced an Action against him for the Sum of £245.14.7½, That on the day the Court was held they met and agreed upon terms of Settlement whereupon the said Bordman agreed to discontinue his Action, and the Petitioner relying thereon made no Provision for a defence, But that the said Bordman notwithstanding his agreement as aforesaid entered his Action and recovered Judgment by default against the Petitioner for the said Sum and Costs, And Praying that he may have a new trial, and that Execution may be stayed in the mean time.

[Read and]

Resolved That the Petitioner notify John Bordman the adverse Party by serving him with a copy of this Petition that he shew cause (if any he hath) on the second Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted, and that upon his giving sufficient Security to the Sheriff of the County of Essex for the payment of such Sum as may be recovered upon the final trial, the execution shall be stayed in the mean time. [*Passed June 7.*]

¹ The Governor's Message of June 1, 1763, reads as follows: As you have now under your Consideration the running the Line between the Province of New Hampshire and Maine. I would at the same time recommend to you to provide for another sett of necessary Observations. I mean of the variation of the Needle at different Places along the Eastern Shore as far as Penobscot.

"The many Townships that of late have been laid out in that Country being by Compass Lines. If the variation is not ascertained and recorded, there will be great Confusion in the Boundaries hereafter. This should be done by an able Mathematician.

Province House, June 1, 1763.

FRA BERNARD.

CHAPTER 37.

ORDER ALLOWING £12 AND A FURTHER SUM OF £12 TO DAV^d FOSTER.

A PETITION of David Foster of Pembroke Setting forth, That being a Soldier in the Pay of the Province at the reduction of Newfoundland he had the misfortune by a Grape Shot to lose the greater part of his Nose, one Eye wholly and the under lid of the other, whereby he is like to lose the comfort of Life as well as to be deprived of the means of Support. And Praying Relief.

Legislative
Records of the
Council, xxv.,
33.

House Jour-
nal, p. 63.

Read and

Ordered That the sum of Twelve pounds be allowed and paid out of the Publick Treasury to M^r John Turner for the use of the Petitioner And that an annual pension of Twelve pounds be also allowed the Petitioner till the further order of this Court. [*Passed June 7.*]

CHAPTER 38.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE HOUSE entered into the consideration of the Petitions of Sick and Wounded Soldiers and thereupon the following Votes passed viz^t

Legislative
Records of the
Council, xxv.,
34.

Ordered That there be paid out of the Publick Treasury to Cap^t Bragdon One pound seven shillings for the use of Arthur Bragdon in full.

To Thomas Clapp Esq^r £2.8 for the use of Wilson Holloway in full.

To Jos^{ph} Buckminster Esq^r £2.9.4 for the use of Rich^d Champney in full.

To Cap^t Bragdon £3.12 for the use of Joseph Bracey in full.

To Major Morey £3.6.9 for the use of Bathsheba Basset in full.

To Cap^t Bragdon £3 for the use of Edm^d Bridges in full.

To Cap^t Bragdon £1.7 for the use of Abigail Grover in full.

To Cap^t Kidder £3.16.8 for the use of James Nickles in full.

To Charles Prescott Esq^r £1.10 for the use of Danforth Heywood in full.

To James Otis Esq^r £3.18 for the use of Jabez Hamblen in full.

To Daniel Howard Esq^r £2.8 exclusive of the Doctors Bill, for the use of Abigail Hill in full.

To Charles Prescott Esq^r £2.5 for the use of John Barker in full.

To Charles Prescott Esq^r £2.10 for the use of James Dudley in full.

To Charles Prescott Esq^r £2.8 for the use of Zachary Davis in full.

To Cap^t Lawrence £3 for the use of Charles Richards in full.

To Cap^t Lawrence £2 for the use of Stephen Holden in full.

To Tho^s Foster Esq^r £4.4.10 for the use of Perez Tilson in full.

To M^r Joshua Hersey £1.16 for the use of Ralph Haswell in full.

To M^r Joshua Hersey 15 for the use of Sarah Stodder in full.

To M^r Joshua Hersey £1.16 for the use of Josiah Cushing in full.

To M^r Joshua Hersey £1.16 for the use of Noah Humphrey in full.

To M^r Joshua Hersey £1.16 for the use of Daniel Stodder in full.

To Cap^t Sprout £3.4 for the use of Jeremiah Jones in full.

To Benj^a Chadburn Esq^r £1.16 for the use of Aaron Abbot in full.

To Benj^a Chadburn Esq^r £2 for the use of Benj^a Lord in full.

Mass.
Archives,
LXXX., 265½,
267, 268, 270, 274,
275, 276, 277, 291,
292, 293, 294, 299,
300, 303, 307, 308,
309, 310, 312, 313,
314, 315, 317, 318,
319, 326, 330, 332,
333, 334, 335, 336,
337, 342, 343, 351,
352, 353, 354, 355,
356, 357, 358, 360,
361, 364, 366, 367,
368, 369. House
Journal, pp. 59,
60, 61.

To Charles Prescott Esq' £1.12 for the use of Reuben Hosman in full.
 To Benj^a Chadburn Esq' £1.16 for the use of Sam^l Bracket in full.
 To Charles Prescott Esq' £3.19.4 for the use of Fra^s Wheeler in full
 To Henry Gardner Esq' £1.16 for the use of William Foster in full
 To Charles Prescott Esq' £2.5 for the use of John Barnes in full.
 To Tho^s Clapp Esq' £2.8 for the use of Elisha Litchfield in full.
 To Tho^s Clapp Esq' £5 for the use of Dearing Jones in full.
 To John Jones Esq' £2.15 for the use of George Stimson in full.
 To John Warren 12 in full.
 To John Jones Esq' £1.17.4 exclusive of the Doctors Bill for the use of Gilbert Dench in full.
 To Josiah Dewing £6.15 in full, exclusive of the Doctors Bill.
 To Thomas Morey Esq' £2 for the use of Samuel Dean in full.
 To M^r Josh^a Hersey £1.16 for the use of Seth Wilder in full.
 To Cap^t Bragdon £2 for the use of Ruth Banks in full.
 To Ephraim Spooner £2.12 in full.
 To M^r John Turner £2.5 for the use of Job Caswell in full.
 To M^r John Turner £3.12 for the use of Jacob Leavit in full.
 To M^r Tho^s Lancaster £2.8 for the use of Sam^l Northend in full.
 To M^r David Wilder £2.0.9 for the use of Esther Jewit in full.
 To M^r David Wilder £1.0.8 for the use of Jos: Kilburn in full.
 To Jedediah Foster Esq' £8 for the use of Elnathan Newton in full.
 To James Wesson £5.8.9 in full. [*Passed June 7.*]

CHAPTER 39.

RESOLVE IMPOWERING THE CONSTABLE OF THE 3RD PRECINCT IN BROOKFIELD TO COLLECT TAXES, AND A FURTHER RESOLVE IMPOWERING THE INHABITANTS THEREOF TO CHOOSE ASSESSORS.

Legislative
Records of the
Council, xxv.,
35.

House Jour-
nal, pp. 19, 57.

A PETITION of the third Precinct in the Town of Brookfield by their Committee Amos Hamilton and Others Setting forth, That the said Committee apprehending that they were vested with the Powers of Assessors proceeded to tax the Inhabitants for the Ministers Salary and other Precinct Charges, whereupon difficulties have arisen as to the payment of the said Taxes. And further, that under the like mistake the said Precinct in March 1763 neglected to choose Assessors. And Praying that the forementioned Tax may be confirmed; and that the District may be impowered to meet and choose Assessors for the present year, which by Law ought to have been done in the month of March, the omission of it at that time notwithstanding.

Read and

Resolved That the Constable to whom the tax mentioned in this Petition is committed shall be, and hereby is fully impowered to collect the same, and shall account therefor as if the said Committee had been chosen Assessors of said Precinct.

And further

Resolved That the said Precinct shall have power to meet together some time within this Year, (being legally warned) and choose Assessors who shall have the same Power and authority as if they had been chosen at their annual meeting in the month of March. [*Passed June 7.*]

CHAPTER 40.

ORDER ALLOWING £4 AND A FURTHER SUM OF £4 ANNUALLY FOR TWO YEARS TO JER^E WITTUM.

A PETITION of Jeremiah Wittum of Kittery Setting forth, That being a Soldier in the pay of the Province the last Year at the reduction of St Johns in Newfoundland, He had his Shoulder Bone broken by a Musket Ball, whereby he has been disabled from earning a Livelihood, and fears he shall so continue, And Praying Relief

Legislative
Records of the
Council, xxv.,
35.

House Jour-
nal, p. 63.

Read and

Ordered That the Sum of four pounds be allowed and paid out of the Publick Treasury to Cap^t Gowen for the use of the Petitioner. And that the further Sum of Four pounds be annually paid him for two Years in full consideration of his Sufferings mentioned. [*Passed June 7.*]

CHAPTER 41.

ORDER ALLOWING £15 TO COM^{TEE} FOR COUNTERSIGN^G THE PROVINCE TREAS^{RS} NOTES.

THE COMMITTEE appointed to countersign the Treasurers Notes laid an account of their Services before the Court.

Read and

Ordered That the sum of Fifteen pounds be allowed and paid out of the Public Treasury to John Osborne Esq^r for the use of the Committee for their Service to the 1st of April last. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
36.

House Jour-
nal, pp. 12, 14,
15, 36. *Ante*,
p. 351, chap. 1.

CHAPTER 42.

ORDER IMPOWERING ABEL WRIGHT TO ENTER A COMPLAINT.

A PETITION of Abel Wright of New Milford in the Colony of Connecticut Setting forth, That having recovered Judgment at the Inferior Court for the County of Berkshire against Henry Davis of Sheffield for £12.19.4 and Costs, the said Davis appealed to the next Superior Court held at Springfield, but failed to prosecute his Appeal; and by mistake of the Petitioners Attorney there was no Complaint entered, whereby he is without remedy without the interposition of this Court: And Praying that he may be empowered to enter his said Complaint at the next Superior Court to be holden at Springfield.

Legislative
Records of the
Council, xxiv.,
549; xxv., 36.

House Jour-
nal, pp. 64, 65.

Read: And it appearing that Henry Davis the Adverse Party had been notified of the Prayer of this Petition, and he having made no Answer thereto.

Ordered that the Prayer of the Petition be granted: and that the Petitioner have leave to enter his complaint at the next Superior Court of Judicature, Court of Assize and General Goal Delivery to be holden at Springfield in the County of Hampshire, for affirming a Judgment obtained by the Petitioner against the said Henry Davis at an Inferior Court of Common Pleas held within and for

the County of Berkshire on the first Tuesday of March 1762. for the Sum of £12.19.4 and Costs; his having failed to enter his said Complaint at the last Superior Court notwithstanding. And the said Superior Court are hereby authorized and impowered to receive the said Complaint and make up Judgment and award Execution accordingly. [*Passed June 7.*]

CHAPTER 43.

ORDER ALLOWING £23 TO HAN^A BREWER.

Legislative
Records of the
Council, xxv.,
37.

House Jour-
nal, p. 234
(February,
1761-62); pp. 42,
52. *Ante*,
p. 133, chap.
312.

A PETITION of Hannah Brewer of Tyringham Setting forth, That She had billeted sundry Officers and Soldiers in the Pay of the Province the charge of which amounted to £23 That the same was presented to the General Courts Committee with the Vouchers; but being mislaid She cannot obtain payment, And Praying Relief.

Read and

Ordered That the sum of twenty three pounds be paid out of the Publick Treasury to Captain Chadwick for the use of the Petitioner in full. [*Passed June 7.*]

CHAPTER 44.

ORDER IMPOWERING ABIATH^R WILSON AND SARAH, HIS WIFE, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
38.

House Jour-
nal, p. 58.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abiather Wilson and Sarah his Wife, Setting forth, That the said Sarah had by her former Husband John Dwight of Charlestown one Child only, about seven months old at her fathers decease. That the deceaseds Estate consists in an Old Saw Mill in Brooklyn, which they are not able to repair, and praying leave to sell the same, they to be accountable.

Read and

Ordered That the Prayer of the Petition be granted; and that the Petitioners be and hereby are impowered to make Sale of the Premises for the most they will fetch, and to make and execute a good deed thereof in the Law, first giving notice as the Law directs for the Sale of intestate Estates, and sufficient caution to the Judge of Probate for the County of Suffolk, that the proceeds coming by such Sale shall be secured for the benefit of the Widow of the deceased viz' one third part of the annual Income thereof instead of Dower, and all the remainder to the use of the Orphan Child. [*Passed June 7.*]

CHAPTER 45.

RESOLVE DIRECTING SOLDIERS TO APPLY FOR ALLOWANCE BEFORE MAY NEXT.

Resolved That such Soldiers as have been in the Service of the Government during the late War and have any demands on this Province by reason of said Service shall not have any allowance therefor unless they apply for the same on or before the Session of the General Court in may next, except such as are out of the Province, and have not had an opportunity of laying their demands before said Court. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
38.

House Jour-
nal, p. 67.

CHAPTER 46.

RESOLVE CONFIRMING LANDS TO CHAS. GOODRICH AND SAM^l MARTYN, AND IMPOWERING ELIZABETH BARKER, ADM^x, TO EXECUTE A DEED.

A PETITION of Elisabeth Barker of Westfield Administratrix of the Estate of her late Husband Joseph Barker deceased, Setting forth, That the General Court made to her said Husband a Grant of 190 Acres of the unappropriated Lands of this Province, which he disposed of to Charles Goodrich and Samuel Martyn, and the same was laid out adjoining to Pittsfield, and a Plan thereof returned to the General Court which was confirmed to her said Husband, when of right it ought to have been to the said Goodrich and martyn. And Praying that the same may be rectified.

Legislative
Records of the
Council, xxv.,
38.

House Jour-
nal, pp. 40, 56,
57. Province
Laws, xvi., 347,
chap. 331.
Ante, p. 28,
chap. 58.

Read, and the truth of the Facts therein set forth appearing to the Court;

Resolved That the confirmation of the Plat within mentioned ought to have been to the Assigns of the said Joseph Barker, and that it shall enure accordingly; and the Lands herein mentioned are hereby confirmed to the said Charles Goodrich and Samuel Martyn and their heirs, and that the said Elisabeth in her capacity of Administratrix shall be and hereby is impowered to execute a good deed of Release and Quitclaim to the said Charles & Samuel. [*Passed June 7.*]

CHAPTER 47.

ORDER IMPOWERING THE REFERREES ON THE PETITION OF DAVID BALDWIN TO RECONSIDER THEIR REPORT.

WHEREAS the Great and General Court at their Session in January last did upon the Petition of David Baldwin of Sudbury pass an Order for impowering certain Referrees in a controversy between him the said David and Bezaleel Learned of Watertown to consider their Report, and to make Report of their Doings in the Premises to the Justices of the Inferior Court of common Pleas to be holden within the County of Middlesex as on the second Tuesday of May last; which hapened not to be the time for the sitting of the said Court.

Legislative
Records of the
Council, xxv.,
39.

House Jour-
nal, p. 171
(January,
1763); p. 69.
Ante, p. 296,
chap. 162.

Therefore

Ordered That the said Petition be revived: and that the Prayer thereof be so far granted, as that the Referrees therein mentioned be, and they hereby are empowered to reconsider the Report by them made relative to the Controversy betwixt the Petitioner and the said Bezaleel, and upon a further hearing of the Parties, to make such Alteration therein as to them shall appear to be most equitable and just, and to make report of their doings in the premises to the Justices of the Inferior Court of Common Pleas to be holden within and for the County of Middlesex on the first Tuesday of September next: and the said Justices are hereby authorized to receive such report and to enter up Judgment thereon, and the former Report of the said Referrees and Proceedings had thereon are hereby superseeded and declared null and void. [*Passed June 8.*]

CHAPTER 48.

ORDER SETTING ASIDE THE PROCEEDINGS OF A TOWN MEETING IN THE DISTRICT OF SHIRLEY AND A FURTHER ORDER CALLING A NEW TOWN MEETING.

Legislative
Records of the
Council, xxv.,
40.

House Jour-
nal, pp. 50, 68.

A PETITION of a great number of the Freeholders and Inhabitants of the District of Shirley, complaining of divers illegal proceedings at their anniversary Town Meeting in March last, And Praying That the same may be set aside, and that they may be empowered to call a new meeting to choose District Officers &c agreeable to Law,

[Read and]

Ordered That the Prayer of the Petitioners be granted: and that the whole proceedings in the several meetings held in the District of Shirley on the first monday of march last, as also that held on the next day, and that held on the 16th day of said month be set aside, and the proceedings thereon be, and hereby are declared null and void. And further

Ordered That Eleazer Tyng Esq^r one of his Majesty's Justices of the Peace for the County of Middlesex is hereby authorised and empowered to issue his Warrant for calling a meeting of the qualified Voters in the said District to assemble at some convenient time and place, for the choosing of all such Officers as are by Law required, for the ensuing Year; and that the said Warrant be directed to one of the Constables of the said District, the month of march being elapsed notwithstanding. And the said Eleazer Tyng Esq^r is hereby empowered to act as moderator at the said meeting. [*Passed June 8.*]

CHAPTER 49.

ORDER ON THE PETITION OF SAM^l HARNDEN IN REGARD TO THE RECOVERY OF HIS CAPTIVE GRANDDAUGHTER.

Legislative
Records of the
Council, xxv.,
25, 40.

House Jour-
nal, pp. 46, 70.
Ante, p. 232,
chap. 24.

A PETITION of Samuel Harnden of Woolwich in the County of Lincoln Praying the interposition of this Court for the recovery of his Grand daughter Mehitabel Prebble, who was taken Captive by the Indians in the late War, and by them sold to the French, and now in servitude with M^r Mounier at Rochelle in Old France.

Read and Accepted. And

Ordered That the Secretary transmit to the Agent a copy of the Petition of Mr Samuel Harnden for his information in the matter therein referred to, or any other information which the Petitioner may furnish him with. And that he acquaint the Agent that it is the desire of this Court that he use his best endeavours to obtain the discharge of the Child thereinmentioned. [*Passed June 8.*]

CHAPTER 50.

RESOLVE ALLOWING COSTS OF SALE OF LAND TO EDWARD WING, JR.

A PETITION of Edward Wing jun^r of Sandwich, one of the People called Quakers Praying for Relief under the hardships he has suffered by having his land sold to discharge a Fine laid on him for not attending military musters, [*ante*, p. 344, chap. 273]

Read and thereupon

Resolved That after the said Elisha and Lot in the Petition named have ascertained to the Governor and Council the Costs they really have been at in the prosecution of the Action therein mentioned, and the consequent costs thereof, That then the same be paid out of the Publick Treasury to the Petitioner to enable him to obtain the recovery of his Land from the Respondents. It appearing by their answer that they are willing to reconvey upon their receipt of said Cost the Land mentioned to the said Petitioner Edward Wing jun^r. [*Passed June 8.*]

Legislative
Records of the
Council, xxv.,
28, 40.

House Jour-
nal, pp. 49, 58.
Province
Laws, iv., 635,
notes. *Ante*,
p. 344, chap.
273.

CHAPTER 51.

RESOLVE AND VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there appears to be due to John Morris sundries viz^t for Cloathing which he paid for out of his Wages and did not receive, the sum of Three pounds five shillings and four pence: For six weeks prior pay which he is intitled to by an Act of the General Court and has not received, being Five pounds fourteen shillings; For subsistence from New York to his own home, which he applied for, but did not receive being eight shillings, For the difference between a Serjeants Pay and Privates, he being a Sergeant and was made up a Private, One pound two shillings, all which Sums amount to the Sum of Seven pounds, nine shillings and four pence.

Ordered That the above Sum of £7.9.4 be paid him out of the Treasury.

That there appears also to be due to the other thirteen Soldiers viz^t William M^cMaster, George Blanchard, Abraham Russell, Zebulon Shuter, Isaac Follet, John Freeman, James Saunders Abijah Bacon and consider Brannock, the Sum of Three pounds fourteen shillings, to each of them for cloathing and subsistence which they have not received. Therefore

Voted them the following sums.

To Col^o Marcey for the use of George Blanchard and Abraham Russell £3.14 to each in full.

Legislative
Records of the
Council, xxv.,
41.

House Jour-
nal, pp. 26, 55.

To Major Davis £3.14 for the use of Ebenezer Streter in full.

To Cap^t Sprout £3.14 for the use of Consider Brannick in full.

To M^r Fuller for the use of William M^cMaster, Isaac Follet, John Freeman, Increase Burrows, Henry Bragg, Samuel Follet, Benj^a Freeman, James Saunders and Abigail Bacon £3.14 to each in full.
[*Passed June 8.*]

CHAPTER 52.

ORDER IMPOWERING GRIZZELL APTHORP AND CHARLES WARD AP-
THORP, ADMINISTRATORS AND NATHANIEL WHEELWRIGHT ATTY.,
TO EXECUTE A DEED AND TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxv.,
42.

House Jour-
nal, pp. 35, 36,
73, 74.

A PETITION of Grizzell Apthorp Administratrix of the Estate of Charles Apthorp Esq^r deceased Setting forth That John Salmon late of Boston deceased, being in his life time indebted to John Thomlinson Barlow Trecothick and John Apthorp of London Merchants the Sum of 5,067 Spanish mill'd dollars gave his Bond 6th December 1751 for payment of the same with Interest and as a Collateral Security mortgaged a certain Dwelling House, Distil House and Appurtenances at the Southerly part of Boston, and Sarah Hunt, Mother in Law of the said John Salmon further mortgaged one half part of a Warehouse in King Street, and a Dwelling House and Land in Long lane in said Boston. That the said Charles Apthorp who received the said Securities only as Attorney and in behalf of the said Thomlinson, Trecothick and Apthorp, yet took them in his own name, and afterwards recovered and took possession of the same; and the said Thomlinson and Company knowing the said Estates to be theirs have by their Attorney received the rents, and have since Sold the Dwelling House and Still House beforementioned to Joshua Henshaw Esq^r for 1,350 Lawfull Money, but the Petitioner not having a right to give a deed of the same prays that She may be enabled in her capacity aforesaid to join with Nath^l Wheelwright Esq^r Attorney to said Thomlinson and Company in executing a deed of the Premises; and deeds also of the other Estates mentioned, when purchasers shall appear for them.

Read and

Ordered That the Prayer of this Petition be granted, and that the said Grizzell Apthorp, Charles Ward Apthorp as Administrators of the Estate of said Charles Apthorp Esq^r deceased and the said Nathaniel Wheelwright as Attorney to said John Thomlinson, Barlow Trecothick and John Apthorp be and they hereby are fully authorized and impowered to execute and give unto said Joshua Henshaw Esq^r a deed of the Land, Dwelling House, Distil House, Utensils, premises and Appurtenances sold to him as mentioned in this Petition; which deed shall be good and valid in Law to all intents and purposes whatsoever to him said Joshua Henshaw his heirs and Assignes forever. And that said Grizzell Apthorp, Charles Ward Apthorp Administrators as aforesaid & said Nathaniel Wheelwright Attorney as aforesaid are hereby further authorized and impowered to sell the Dwelling House and Land in Long Lane, and Warehouse and Land in King Street mentioned in this Petition, and give and execute any deed or deeds that may be necessary for conveying the same, and which shall be good to the purchaser or purchasers, and valid in the Law to them and their Heirs and Assigns forever to all Intents and purposes whatsoever, they to

account with said John Thomlinson, Barlow Trecothick and John Apthorp for the purchase consideration of said Lands and Premises.

Provided That nothing herein contained shall be construed or understood to affect any just claim of Title to said Land and premises by any person or persons other than the Mortgager at the time when such mortgage was given. [*Passed June 9.*¹

CHAPTER 53.

ORDER WITH STAY OF ALL PROCEEDINGS AGAINST CLANDESTINE PURCHASES OF LAND OF CHAPPAQUIDIC INDIANS AND APPOINTING A COMMITTEE THEREON.

UPON THE REPORT OF A COMMITTEE appointed the 1. Instant upon the Petition of a Number of persons who had purchased Lands of the Indian Proprietors of Chappaquidic, the following Order passed the Court Viz^t

Legislative
Records of the
Council, xxv.,
44. Mass.
Archives,
xxxiii., 232.

In Council Read and so far accepted As that all the processes against the Petitioners for the Breach of a Law intituled an Act to prevent and make void clandestine and illegal purchases of Lands from the Indians be stayed 'till the further Order of this Court, and that William Brattle Esq^r with Such as the honorable House shall join be a Committee to repair to Chappaquidic and carefully view the Lands and premises mentioned and consider the whole matter relative to the purchases in said Petition mentioned, and report what they judge proper for this Court to do therein

Mass.
Archives,
xxxiii., 231.
House Jour-
nal, pp. 36, 37,
75. Province
Laws, iii., 383,
chap. 16. *Ante*,
p. 140, chap.
329.

In the House of Representatives

Read and Concur'd and M^r Foster of Plymouth and Cap^t Howard are joined in the Affair. [*Passed June 9.*

CHAPTER 54.

ORDER ALLOWING £1. 16 EACH TO ICHABOD WADE & OTHERS.

A PETITION of Ichabod Wade, Nathaniel Knap, James Ball, William Robinson, Abel Dean, Joshua Knap, Nathan Wood, Richard Cawl, Daniel Drake, Bowden Camell, and Jesse Dean, Soldiers in the pay of the Province Setting forth, That in Nov^r last they embark'd at Halifax to return home, and were by Stress of Weather drove to Bermudas, where they took passage for Maryland, and returned by way of Newport, And Praying to be allow'd their Expences.

Legislative
Records of the
Council, xxv.,
46.

House Jour-
nal, p. 74.

[Read and]

Ordered That the Sum of One pound sixteen shillings be allow'd out of the Public Treasury to each one of the Petitioners above-named to be paid into the hands of James Williams Esq^r for their use in full consideration for their Sufferings mentioned. [*Passed June 9.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is June 8.

CHAPTER 55.

ORDER DIRECTING A JURY TO BE SUMMONED TO INQUIRE AS TO DAMAGE TO SAMUEL BACON BY THE LAYING OUT OF A HIGHWAY.

Legislative
Records of the
Council, xxv.,
46.

House Jour-
nal, pp. 71, 72.

A PETITION of Samuel Bacon of Salem Setting forth, That by order of the Court of Sessions a Highway hath been laid out thro' his Land, and the damage estimated at £22 only, whereby he is greatly aggrieved, that he hath since applyd to the said Court for relief, but it is now out of their Power to afford him any, And Praying that this Court would authorise and impower them to inquire into the damages by a Jury to be summoned for that purpose agreeable to Law, the time being elapsed notwithstanding.

Read and

Ordered That the prayer of the Petition be so far granted as that the Court of General Sessions of the Peace to be holden at Salem in and for the County of Essex on the second Tuesday of July next be impowered to summon a Jury agreeable to Law to inquire into the damages which the said Samuel has sustained by the Highway herein mentioned being laid out thro' his Land. [*Passed June 9.*]

CHAPTER 56.

ORDER ALLOWING £60 TO CAP^t JOHN PHILLIPS.

Legislative
Records of the
Council, xxv.,
89.

House Jour-
nal, pp. 48, 49,
72.

A PETITION of John Phillips Esq^r Captain of Castle William Setting forth, That he has acted constantly at Castle William as Barrack Master for three Years and upwards; and that there has been in each Year a Provincial Regiment quartered there for embarkation, besides numbers of his Majesty's Regular Troops, particularly in the Year 1762, there were 1,400 of said Troops on the Island from 31st March to 25th November following, all which were put under his care, And Praying an allowance.

Read and

Ordered That the Sum of Sixty pounds, be allowed and paid out of the Public Treasury to the Petitioner in full for his Services as Barrack Master for three Years past. [*Passed June 9.*]

CHAPTER 57.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF YORK AND ALLOWING £2. 10. 8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
47.

House Jour-
nal, p. 233
(February,
1763); p. 67.
Ante, p. 340,
chap. 264.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea, coffee and China Ware in the County of York made report that they had sold the same to Waldo Emerson for Fifty four pounds taken Bond therefor and delivered it to the Province Treasurer. And Praying allowance of £2.10.8 the charge attending the Sale.

Read and Accepted. And

Ordered That the sum of Two pounds, ten shillings and eight pence be allow'd and paid out of the Publick Treasury to the Committee for their service in the Affair. [*Passed June 10.*]

CHAPTER 58.

ORDER ALLOWING £12 TO LIEUT. COL. JOB WINSLOW.

A PETITION of Lien^t Col^o Job Winslow, Praying to be reimbursed the Sum of twelve pounds, being for Interest of 800 Dollars paid to M^r Woodmass, which Sum he borrowed of him to recruit Soldiers at Halifax in 1762, on the Establishment of this Province.

Read and

Ordered That the Sum of twelve pounds be granted out of the Public Treasury to the Petitioner in full consideration for that Sum advanced by him as within mentioned. [*Passed June 10.*]

Legislative
Records of the
Council, xxv.,
49.

House Jour-
nal, pp. 81, 83.

CHAPTER 59.

RESOLVE IMPOWERING JOS: COLE, JR, ADM^E, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Cole Jun^r of Eastham Administrator of the Estate of Seth Young late of said Eastham, Yeoman deceased Setting forth, That the said deceaseds personal Estate is insufficient by £31.1.7 to pay his just debts; that his Real Estate was apprized at £96.18. and would be greatly hurt by dividing it: that he left neither Wife nor Child, And Praying leave to sell the said Estate, he to be accountable.

[Read and]

Resolved the Prayer of the within Petition be granted; and that the Petitioner Joseph Cole Jun^r in his capacity of Administrator be, and is hereby fully authorized and impowered to make Sale of the Estate of Seth Young late of Chatham deceased within mentioned, for the most the same will fetch, and to execute a good deed or deeds in law of the same, observing the Rules and directions in the law for the Sale of Real Estates, by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Barnstable that the money arising by the Sale thereof be applied to the payment of the deceaseds just debts, and the Overplus, if any there be, for the use and benefit of the Heirs of the said Seth Young deceased, and the proportion of those that are minors, be put to interest and be paid to them as they shall come of Age. [*Passed June 10.*]

Legislative
Records of the
Council, xxv.,
49.

House Jour-
nal, p. 77.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 60.

Legislative
Records of the
Council, xxv.,
50.

Legislative
Records of the
Council, xxv.,
23. House
Journal, p. 79.

ORDER ALLOWING £150 TO THO^s GOLDTHWAIT, ESQ^r.

UPON HIS EXCELLENCY'S MESSAGE of the 2^d 1 Instant the following Vote passed the Court viz^t

Ordered That the sum of One hundred and fifty pounds be granted and paid out of the Public Treasury to Tho^s Goldthwait Esq^r for his Services² within mentioned in full to this day. [*Passed June 10.*]

CHAPTER 61.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF NONRESIDENT PROPRIETORS OF SHUTESBURY IN REGARD TO A TAX.

Legislative
Records of the
Council, xxv.,
50.

House Jour-
nal, pp. 72, 77,
78. *Ante*,
p. 116, chap.
272; p. 325,
chap. 229.

A PETITION of a number of the Proprietors of the Town of Shutesbury, Setting forth, That in the Year 1761 the Inhabitants of said Town applied to the General Court, without their being apprized of it, and obtained a Tax of one penny p Acre on all the unimproved Lands in said Town for the space of seven Years; and that as the Proprietors had before been assessed very large Sums, they think this new Tax to be very unequal, And Pray Relief.

Read and

Ordered That the Petitioners notify the resident Proprietors of Shutesbury, by leaving an attested copy of this Petition with the Clerk of said Town, that they shew cause, if any they have, on the second Wednesday of the next Session of this Court why the Prayer thereof should not be granted. And all Proceedings respecting the collecting the Tax mentioned are stayed till the further Order of this Court. [*Passed June 10.*]

CHAPTER 62.

ORDER IMPOSING A TAX OF ONE PENNY PER ACRE FOR TWO YEARS ON ALL LAND IN TEMPLETON.

Legislative
Records of the
Council, xxiv.,
523; xxv., 51.

House Jour-
nal, p. 78.
Province
Laws, iv., 566,
567, notes.

A PETITION of Nathaniel Holman and Charles Baker Agents for the Town of Templeton, Setting forth their inability in this their Infant State to defrey the necessary Charges of the Town, pay their ministers Salary and finish their meeting House. And Praying that a tax of one penny half penny p Acre be laid upon all the Lands in the Town for five Years successively in order to raise money for the purposes aforesaid.

Read and Revived. And

Ordered That a Tax of one penny per Acre be imposed upon all the Lands in Templeton for two Years for the purposes within mentioned, The first year ending on the first day of November next:

¹ The House Journal, p. 79, reads, "of the 3d current."

² The House Journal, p. 48, reads, "*for the last Year's Service in his assisting me in the Care of the Provincial Troops.*"

the second Year to commence from that time. And the Assessors and constables or Collectors in said Templeton are hereby respectively authorized and impowered to collect the same. [*Passed June 10.*]

CHAPTER 63.

RESOLVE CONFIRMING THE PROCEEDINGS OF MEETINGS OF PROPRIETORS OF SIX TOWNSHIPS EAST OF PENOBSCOT RIVER GRANTED DAVID MARSH AND OTHERS, ETC.

A PETITION of Benj^a Harrod and James Duncan Agents for the Six Townships lately granted by this Court to David Marsh and Others lying East of Penobscot River Setting forth, That under pretence of the first meeting of the Proprietors not being legally warned, some of them refuse to comply with the Articles agreed on at that and other subsequent Meetings, And Praying that this Court would ratify and confirm the Votes passed at the said Meetings, and enable them to dispose of such Proprietors Rights as shall refuse to pay their respective dues in some way more practicable than any already by Law prescribed,

Legislative
Records of the
Council, xxv.,
51.

House Jour-
nal, pp. 71, 76,
77. *Ante*,
p. 182, chap.
421.

Read and the subject matter of this foregoing Petition being considered. It is

Resolved That the Prayer thereof be so far granted, that the several Meetings of the said Proprietors and the several Grants of Money with their other Orders & agreements voted and agreed upon, as is therein mentioned be, and they are hereby ratified and confirmed to all intents and purposes as fully as if the notifications for calling the said Meetings had been advertised in the several Boston weekly News Papers for forty days together before such Meetings were held.

And whereas it is judged to be necessary that monies be immediately raised by the within mentioned Proprietors to defrey the charge of obtaining his majesty's Royal Approbation of the several Grants made to them by this Court and other necessary charges: It is therefore further

Resolved, That until such time as his majesty's pleasure shall be known concerning said Grants, that if any one or more of the said Proprietors shall neglect or refuse to pay his or their respective proportion of money as is or may hereafter be granted and assessed upon his or their right, each Propriety by a Committee to be appointed for that purpose, admit in his room and stead such other person or persons into their respective Proprieties, as shall appear and pay such Sum or Sums of money as shall be then due upon such right to such Proprietors; such person first giving bond to such Committee as was appointed by this Court, and took such Delinquents former bonds, and in the same form and tenor thereof: And such Committee is hereby directed to receive the same, and observe their former Instructions accordingly; And such delinquent Proprietors shall then no longer be deemed or esteemed a Proprietor to such right or Proportion in such Propriety; and his bond shall be deemed void and of none effect.

Such Committee or Persons appointed by such Propriety to admit such other person or persons, first giving public notice of such Alteration to be made, by advertizing the same in one or more of the Boston weekly news papers three weeks successively, unless

such delinquent Proprietor shall then appear and pay the respective Sums so laid upon his or their Rights or Shares, with the necessary charges then arisen concerning the same. [*Passed June 10.*]

CHAPTER 64.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
52.

House Jour-
nal, pp. 51, 77.

A PETITION of Caleb Emery and Others, Soldiers in the Pay of the Province in Cap^t Moulton's Company of Col^o Thwings Regiment who served at Nova Scotia in 1761, Praying for the Allowance made by the General Court for reinlisting, which they have not yet received.

Read and

Resolved That the Sum of Three pounds four shillings and seven pence, half penny be allowed and paid out of the Public Treasury to Caleb Emery in full.

Resolved also that the Sum of Two pounds, fourteen shillings be allowed and paid to each of the persons hereafter named viz^t To Stephen Perkins, Benjamin Gaptail, John Stone, Joseph Welch, Ebenezer Gaptail, Samuel White, Nicholas Lord, Moses Butler and Josiah Paul. The above Sums to be paid to Benjamin Chadburne Esq^r for the use of the abovenamed Petitioners in full. [*Passed June 10.*]

CHAPTER 65.

ORDER ALLOWING £11. 6 TO ICH^p GOODWIN.

Legislative
Records of the
Council, xxv.,
53.

House Jour-
nal, p. 94
(November,
1754); pp. 47,
64.

A PETITION of Ichabod Goodwin, Praying an allowance of the Sum of £11.6. his charge and expence in taking a Plan of part of the unappropriated Lands of the Province adjoining to Newich-wonnock River by order of the House in 1754.

Read and

Ordered That the Sum of eleven pounds, six shillings be allowed and paid out of the Public Treasury to Cap^t Gowen for the use of the Petitioner in full for his Services mentioned. [*Passed June 10.*]

CHAPTER 66.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
54.

House Jour-
nal, p. 233
(February,
1763); p. 82.
And, p. 339,
chap. 261.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Hampshire made report that they had sold the same to M^r Daniel Jones for the Sum of twenty nine pounds, for which they had taken bond and delivered the same to the Province Treasurer, And praying Allowance of the charge amounting to twelve shillings.

Read and

Ordered That this Report be accepted, and that the Sum of twelve shillings be paid out of the Publick Treasury to the Committee for their Service in this Affair. [*Passed June 11.*]

CHAPTER 67.

RESOLVE ALLOWING £300 TO EDMUND TROWBRIDGE.

Resolved That the Sum of Three hundred pounds be granted and paid out of the Publick Treasury to Edmund Trowbridge Esq^r in full consideration for Services done for this Government to this day. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
54.

House Jour-
nal, pp. 16, 33,
34, 81, 84.

CHAPTER 68.

ORDER DIRECTING THE PROVINCE TREASURER IN REGARD TO RETURNING A £12 NOTE TO JOHN CHADWICK.

A PETITION of John Chadwick in behalf of one Leavit How of Tyringham, a Soldier in the Pay of the Province in Cap^t Shepherds Company in 1760, Setting forth, that after his inlistment he was taken ill and so continued till October when upon the Doct^{rs} opinion and advice he returned home without joining the Army; whereupon he was taken up as a deserter the Year after, and the Petitioner gave his note to Cap^t Cowden for the Sum of £12 in behalf of the said Leavit, which note is lodged with the Province Treasurer, And Praying Relief.

Legislative
Records of the
Council, xxv.,
55.

House Jour-
nal, p. 81.

Read and

Ordered That the Province Treasurer be directed to return the Twelve pound note within mentioned to the Petitioner Chadwick. Provided the said Chadwick returns a twelve pound note (given him by the said How for his Security) to the said How again. [*Passed June 11.*]

CHAPTER 69.

RESOLVE CONFIRMING THE PROCEEDINGS OF TOWN MEETING IN STOCKBRIDGE AND APPOINTING A COMMITTEE ON AFFAIRS THERE.

A PETITION of Joseph Woodbridge and Others of Stockbridge complaining of the irregular and unlawful proceedings of the Inhabitants of said Town at their annual meeting in march last, and at their meeting afterwards for the choice of a representative, And Praying Relief.

Legislative
Records of the
Council, xxv.,
55.

Mass.
Archives,
xxxiii., 265.
House Jour-
nal, pp. 39, 87.

In the House of Representatives.

[Read and]

Resolved That the proceedings of the Inhabitants of Stockbridge at their first Meeting in March last be, and remain in force until the further Order of this Court, and that Col^o Worthington and Major Hawley with such as the honorable Board shall join be a Committee to repair to Stockbridge in the recess of the Court and inquire into the matters contained in the Petitions aforesaid, and

also into the State of Affairs between the English and Indian Inhabitants there, and make report to this Court at their next Session.

In Council Read and Concurred and Andrew Oliver Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 70.

ORDER ALLOWING £14. 11. 2 TO TIM^o DUNN.

Legislative
Records of the
Council, xxv.,
56.

Mass.
Archives,
lxxx., 375.
House Jour-
nal, pp. 19, 80.

A PETITION of Timothy Dunn of Boston Setting forth That on the 18 of December 1760, a person who assumed the name of William Wilson went with a counterfeit Order to the Treasurer and received of him the Sum of £14.11.2 due to the Petitioner for Wages, whereupon he brought his Action against one Will^m Wilson a suspected person, for the same; but he was acquitted by the Court, And praying Relief.

Read and

Ordered That the Sum of fourteen pounds 11/2, be allowed and paid out of the Publick Treasury to the Petitioner in full consideration for his Services and Sufferings within mentioned. [*Passed June 11.*]

CHAPTER 71.

ORDER ALLOWING THE PROVISION ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxv.,
56.

House Jour-
nal, p. 82.

THOMAS HUBBARD ESQ^r Commissary General having laid before the Court an account of the Provisions by him bought and delivered out, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz^t

Read and

Ordered That this Account be allowed, and that the quantity of fifty one barrels of Pork, six barrels of Beef, twenty nine bushels and a quart of Peas, eighty five Gallons of Molosses and thirty four gal^o of Rum the Accomptant is accountable to the Province for. [*Passed June 11.*]

CHAPTER 72.

RESOLVE ALLOWING THE INDIAN TRADE ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxv.,
56.

House Jour-
nal, pp. 28, 82.

THOMAS HUBBARD ESQ^r Commissary General having laid before the Court his Account of the Indian Trade, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz^t

Read and

Resolved That this Account be allowed, and that the Accomptant be accountable to the Province the Sum of fifteen hundred and fifty two pounds seventeen shillings and seven pence farthing. [*Passed June 11.*]

CHAPTER 73.

RESOLVE ALLOWING THE DISBURSEMENT ACCOUNT OF THE COMMISSARY GENERAL.

THOMAS HUBBARD Esq^r Commissary General having laid before the Court his Account current, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz^t

Read and

Resolved (the same being right cast and well vouched) that the Sum of One hundred and twenty eight pounds, fourteen shillings and seven pence three farthings, the Province is accountable to the Commissary General for. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
57.

House Jour-
nal, pp. 28, 81,
82.

CHAPTER 74.

ORDER CONFIRMING A PLAT OF 1,035 ACRES OF LAND TO ANDREW BELCHER, ESQ^r.

ANDREW BELCHER, Esq^r having presented a plan of 1,035 Acres of Land on the South Side of N^o 4. in the County of Berkshire and adjoining thereto, in part of a Grant made him by the General Court, the following Order passed thereon viz^t

Read and

Ordered That the within written Plan be allowed; and the Lands therein delineated and described, being 1,035 Acres, be and hereby are granted to Andrew Belcher Esq^r his heirs and assigns forever. Provided the Plan exceeds not the quantity of the Grant, and does not interfere with any former Grant.¹ [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
57.

House Jour-
nal, p. 59
(June, 1762);
p. 229 (Feb-
ruary, 1763).
Ante, p. 241,
chap. 48; p. 334,
chap. 246.

CHAPTER 75.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO ANDREW BELCHER.

ANDREW BELCHER Esq^r having presented a Plan of 500 Acres of Land laid out on the East side of the Country Road that leads from N^o 4 to Pittsfield in the County of Berkshire in part of a Grant made him by the General Court the following Order passed thereon viz^t

Read and

Ordered That the within written Plan be allow'd, and the Lands therein delineated and described, being 500 Acres, be and hereby are granted to Andrew Belcher Esq^r his heirs and Assigns forever, Provided the Plan exceeds not the quantity of the Grant and does not interfere with any former Grant.¹ [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
57.

House Jour-
nal, p. 59
(June, 1762);
p. 229 (Feb-
ruary, 1763);
Ante, p. 241,
chap. 48; p. 334,
chap. 246.
Supra, chap.
74.

¹ The order is not found in the House Journal.

CHAPTER 76.

ORDER ALLOWING £700 TO THE PURCHASERS OF TOWNSHIP N^o 5 IN THE COUNTY OF BERKSHIRE FOR DEFICIENCY OF LAND.

Legislative
Records of the
Council, xxv.,
57. Mass.
Archives,
cxviii., 4.

Mass.
Archives,
cxviii., 3.
House Jour-
nal, pp. 74, 85.
Ante, p. 242,
chap. 50.

A PETITION of Charles Prescott, John Cummings and James Barrett, a Committee appointed by the Proprietors of the Township N^o 5, in the County of Berkshire, sold by order of Court in June 1762 to John Cumming and his Associates, Setting forth, That they purchased the said Township, as being of the contents of six miles square; but that upon the return of the Plan, it appears to want about five thousand Acres of that quantity, and is moreover much damaged by a former Grant falling within the Bounds of the said Township contrary to their expectation. And Praying Relief.

Read and

Ordered that the sum of Seven hundred pounds be deducted out of the sum engaged to be paid for the Township within mentioned, Provided nevertheless That the Purchasers settle the full number of Sixty Families, and fulfill the other Conditions stipulated in the Sale in like manner as if there had been the full Quantity of Land in their purchase, which at the time of Sale it was supposed to contain. [*Passed June 11.*]

CHAPTER 77.

ORDER ALLOWING £2 TO BROTHERTON DOGGET.

Legislative
Records of the
Council, xxv.,
58.

Executive
Records of the
Council, xiv.,
190. House
Journal, p. 79.

A PETITION of John Newman Esq^r in behalf of Brotherton Doggett Setting forth, That in the year 1760 a Warrant was issued by the Governor with Advice of Council for Forty shillings payable to the Petitioner or Order for the use of said Doggett which was ordered to be paid out of the appropriation for Contingencies, which Appropriation being exhausted, he has not received payment of the said Warrant. And Praying Relief.

Read and

Ordered That the sum of two pounds be granted out of the Publick Treasury to John Newman Esq^r for the use of Brotherton Doggett in full consideration for the Service within mentioned.¹ [*Passed June 11.*]

CHAPTER 78.

RESOLVE CONFIRMING THE VOTE OF THE 4TH PRECINCT IN DEDHAM IN REGARD TO A SCHOOL HOUSE.

Legislative
Records of the
Council, xxv.,
58.

House Jour-
nal, p. 86.

A PETITION of John Jones and Others a Committee of the fourth Precinct in Dedham Setting forth, That at a meeting legally assembled on the 21st day of March last, the said Precinct voted to build a School house therein, made a Grant of £25 & appointed a Committee for that purpose. And Praying that the Doings of said Precinct herein may be confirmed.

¹ The order not found in the House Journal.

Read with the Votes of said Precinct accompanying the same, and

Resolved That the said Votes of said Precinct be confirmed, and that the said Petition be so far granted, as that said Precinct be, and are hereby impowered to grant such further Sum or Sums of money towards building and keeping in repair said House as they shall think necessary for that purpose. And that their Assessors shall assess and their Collectors collect, and Treasurers receive in and pay out the same, attending therein the directions of the Law for assessing, collecting, and paying in Town Taxes. [*Passed June 11.*]

CHAPTER 79.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

JOSHUA HENSHAW Esq^r Treasurer of the County of Suffolk, having laid his Accounts before the Court for allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the Treasurer be and hereby is discharged of the Sum of One hundred and forty five pounds, one shilling and five pence half penny. And that he be further accountable to the County of Suffolk for the ballance of said Account being One hundred and ten pounds five shillings. And also for outstanding debts amounting to One hundred and seventy five pounds, thirteen shillings and a half penny, for which the said Treasurer is to account when he shall receive the same. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
59.

House Jour-
nal, p. 86.

CHAPTER 80.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

DANIEL RUSSELL Esq^r Treasurer of the County of Middlesex, having laid his Accounts before the Court for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the Treasurer be, and he hereby is discharged of the Sum of Two hundred and eighty pounds twelve shillings and eight pence two farthings. And that he be further accountable to the said County for the ballance of said Account, being One hundred and forty eight pounds three shillings and five pence, for which the said Treasurer is to account when he shall receive the same. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
59.

House Jour-
nal, p. 86.

CHAPTER 81.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative
Records of the
Council, xxv.,
59.

House Jour-
nal, p. 86.

JOHN CHOATE ESQ^r Treasurer of the County of Essex, having laid before the Court his Accounts for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the Treasurer be and he hereby is discharged of the sum of One hundred and forty seven pounds, four shillings and eleven pence one farthing, And that he be further accountable to the said County for the balance of said Account being three hundred and fifty pounds, seven shillings and eight pence one farthing, for which the said Treasurer is to account, when he shall receive the same. [*Passed June 11.*]

CHAPTER 82.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxv.,
60.

House Jour-
nal, p. 86.

GARDNER CHANDLER ESQ^r Treasurer for the County of Worcester having laid before the Court his Accounts for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allow'd, and that the Treasurer be, and he hereby is discharged of the Sum of Three hundred and four pounds, ten shillings and seven pence one farthing; and that he be further accountable to the said County for the balance of said Account, being One hundred and thirty three pounds, eleven shillings and eleven pence for which the said Treasurer is to account when he shall receive the same, as also for the taxes laid on the Town of Woodstock since the year 1748 still outstanding, when he receives the same. [*Passed June 11.*]

CHAPTER 83.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxv.,
60.

House Jour-
nal, p. 86.

JOHN COTTON ESQ^r Treasurer of the County of Plymouth, having laid before the Court his Accounts for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within account be allowed, and that the Treasurer be, and he hereby is discharged of the Sum of One hundred and nine pounds, six shillings. And that he be further accountable to said County for the balance of said Account being Fifteen pounds, three shillings and eight pence. And also for outstanding debts,

amounting to Forty one pounds, nineteen shillings, for which the said Treasurer is to account when he shall receive the same. [*Passed June 11.*]

CHAPTER 84.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNST^A COUNTY BEGINNING JANUARY 5, 1762.

JONATHAN BACON Treasurer for the County of Barnstable, having laid before the Court two Accounts for Allowance viz^t one Account beginning 5 January 1762, and the other beginning in July following the following Orders passed thereon viz^t

Upon the first mentioned Account.

Read and

Ordered That the within Account be allowed and that the Treasurer be, and he hereby is discharged of the Sum of Ninety three pounds, seven shillings and two pence, three farthings, and that he be further accountable to the said County for the ballance of said Account being Thirty one pounds 16/9¼. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
60.

House Jour-
nal, p. 86.

CHAPTER 85.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY BEGINNING JULY, 1762.

UPON THE COUNTY TREASURERS ACCOUNT of Barnstable beginning in July 1762, the following Order passed viz^t

Read and

Ordered That the within Account be allowed, and that the Treasurer be, and he hereby is discharged of the Sum of twenty nine pounds, nine shillings & eight pence one farthing: and that he be further accountable to the said County for the ballance of said Account, being Nine pounds, fourteen shillings and five pence. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
61.

House Jour-
nal, p. 86.
Supra, chap.
84.

CHAPTER 86.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING MAY 25, 1763, AND DISCHARGING HIM OF £410,220. 2. 10.

HARRISON GRAY Esq^r Treasurer and Receiver General, having laid before the Court his Account dated May 25: 1763 for Allowance, which having been previously examined by a Committee of the two Houses respectively, they made the following Report whereupon the Order subsequent thereto passed the Court viz^t

The Committee to whom was referred the examination of the Accounts of Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues within this Province of the Massachusetts Bay in New England beginning the 26th day of May 1762, and ending the 25th day of May 1763, having attended that Service,

Legislative
Records of the
Council, xxv.,
61. Mass.
Archives,
cxxv., 219.

Mass.
Archives,
cxxv., 217.
House Jour-
nal, p. 24
(June, 1762);
p. 78.

upon examining the same find them right cast and well vouched, by which it appears that the said Accomptant charges himself with the sum of Seventy six thousand five hundred and fifty seven pounds, fifteen shillings & four pence, being so much due for outstanding debts as represented by his last Acco^{ts}, with the sum of One hundred thousand, five hundred thirty four pounds one shilling and seven pence, being the ballance due from him by his last Accompt. Also with the sum of Seventy eight thousand four hundred and forty seven pounds, nine shillings and seven pence, a tax laid upon Polls and Estates by force of an Act of the General Court at their Session in May 1762. Also with the sum of Seventy five thousand, nine hundred pounds, received of sundry persons for Bills of Exchange drawn on M^r Agent Mauduit, Also with the sum of One hundred and fifty one thousand two hundred eighteen pounds, being monies borrowed of sundry persons for which Sum gave notes of the new form in exchange for notes of the old form. Also with the sum of One hundred twenty four thousand eight hundred seventy three pounds being monies borrowed. Also with the Sum of Sixteen thousand two hundred and sixty two pounds, six shillings and ten pence receiv'd of the Collectors of Excise upon spirituous Liquors. With the Sum of Fourteen hundred forty six pounds five shillings and seven pence received of the Farmers of Excise upon Tea &c. With the Sum of Two hundred seventy two pounds, thirteen shillings and four pence returns of Bounty. With the Sum of One hundred and fifty six pounds, sixteen shillings received for Fines. With the Sum of Three hundred eighty six pounds five shillings and nine pence received of Thomas Goldthwait Esq^r returns of billeting money. With the Sum of Forty six pounds thirteen shillings and four pence, received of Joseph Dwight Esq^r being so much due from him upon the £100,000 Loan. With the Sum of Six hundred pounds received of Samuel Blodget being so much advanc'd him and since repaid. With Six pounds fifteen shillings a Tax laid upon Coasting Vessels. With One hundred Sixteen pounds six shillings receiv'd of Col^o Ingersol being so much due from him. With the sum of Twenty seven hundred pounds, six shillings and eight pence received of the Hon^{ble} James Russell Esq^r Commissioner of Impost. All which Sums amount to Six hundred twenty nine thousand five hundred twenty four pounds fifteen shillings.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursments by order of the Governor by and with the Advice of the Council amounting to Ninety five thousand One hundred forty five pounds, seventeen shillings. Also by Government Securities which he has redeemed which are burnt by the Committee of the Court, amounting to Three hundred and six thousand seven hundred fifty six pounds, thirteen shillings and eight pence. By one years interest paid on Government Securities amounting to seven thousand nine hundred and seventy nine pounds fifteen shillings and eleven pence. By an Abatement on the Town of Wrentham for Taxes laid upon the Gore Three hundred thirty seven pounds, sixteen shillings and three pence, Also with outstanding Taxes due from the several Towns amounting to Ninety five thousand three hundred seventy five pounds, sixteen shillings and six pence. And by ballance in hand further to account for, being One hundred twenty three thousand, nine hundred twenty eight pounds, fifteen shillings and eight pence. With the Sum of Ninety five thousand three hundred seventy five

pounds, sixteen shillings^s and six pence now outstanding, when received into the Treasury.

[Read and]

Resolved that the Treasurer be and he hereby is discharged of the several payments in the foregoing Account amounting to four hundred ten thousand two hundred and twenty pounds two Shillings and ten pence

And that He be further Accountable for the Sum of Ninety five thousand three hundred and Seventy five pounds Sixteen Shillings and Six pence (out standing taxes due from the several Towns) when received in to the Treasury.

And the further Sum of one hundred and twenty three thousand Nine hundred and twenty eight pounds fifteen Shillings and and ¹ eight pence ballance in hand. All which Sums make Six hundred and twenty Nine thousand five hundred twenty four pounds fifteen Shillings

The Comm^e appointed on the Treasurers Accounts, have attended that Service, & find them right cast, & well vouched

J: OSBORNE p Order.

[*Passed June 13.*

CHAPTER 87.

RESOLVE SUBSTITUTING T. GOLDTHWAIT, ESQ^r, FOR JOHN PHILLIPS, ESQ^r, ON THE COMMITTEE ON REPAIRS TO CASTLE WILLIAM.

Legislative Records of the Council, xxv., 63.

Resolved That Thomas Goldthwait Esq^r be of the Com^{tee} appointed to take care of the Repairs of Castle William in the room of John Phillips Esq^r deceased. [*Passed June 13.*

House Journal, p. 117 (November, 1761); p. 85. *Ante*, p. 43, chap. 114.

CHAPTER 88.

RESOLVE DIRECTING THE PROVINCE TREASURER NOT TO SEND HIS WARRANT TO BOSTON ASSESSORS FOR THE LOAN OF £4,030.

Legislative Records of the Council, xxv., 64.

Resolved That the Treasurer of this Province be and hereby is directed not to send his Warrant to the assessors of the Town of Boston for the Sum of four thousand and thirty pounds² (being the Loan of this Court to said Town and the interest thereof) until the end of the next Session of this Court. [*Passed June 13.*

House Journal, pp. 87, 88. Province Laws, iv., 398, chap. 12.

CHAPTER 89.

RESOLVE CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO JOS: DWIGHT, ESQ^r.

JOSEPH DWIGHT ESQ^r having laid before the Court a plan of 777 Acres of Land adjoining to New Framingham, and also a Plan of 223 Acres adjoining to Yoakum Town,

Read and Accepted: And

Resolved That the two Tracts of Land described and delineated

Legislative Records of the Council, xxv., 64.

House Journal, p. 90. *Ante*, p. 351, chap. 287.

¹ *Sic.*

² In chapter 12, Province Laws, iv., 398, the amount is stated as £4,130.

in this and the annexed Plan be confirmed to the said Joseph Dwight Esq^r his heirs and Assigns forever in full satisfaction of the Grant of the General Court made to him said Dwight of one thousand Acres in February last, Provided the same exceed not the quantity in said Plans set forth, and dos ' not interfere with any former Grant made by the General Court; he having this day by his deed released to the Province three Rights of Land mentioned in the Grant of February last. [*Passed June 13.*]

CHAPTER 90.

RESOLVE IMPOWERING JOHN MARSTON, GUARDIAN, TO SELL A MINORS INTEREST IN REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
65.

House Jour-
nal, p. 91.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Marston of Boston, Guardian of Elisabeth Solomon and George Blake, Minors and Children of Joseph Blake late of said Boston Distiller deceased Setting forth, That the said Minors are interested in a tract of seventy seven Acres of Wast Land in Stoughton, that Joseph Blake the eldest son is of Age, and about selling his Share of said Land; that the said minors are also interested in two fifth parts of a wooden house in Boston, much out of repair, of which their said Brother has already sold his Share. And Praying that he may be impowered to sell the said minors Interest in the said Estates which he apprehends will be greatly for their advantage, and the said eldest Son hath likewise signified the same.

[Read and]

Resolved That the Prayer of this Petition be granted. That John Marston the Petitioner Guardian to the Minor Children of Joseph Blake late of Boston deceased Intestate, mentioned in said Petition, be, and is hereby fully authorized and impowered to make sale of the said minors Interest in the House and Land in said Petition mentioned for the most the same will fetch, observing the Rules and Directions in the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the money arising by the Sale thereof be put to interest for the benefit of the said minors, and each to have their proportion paid to them as they shall arrive of age or marry which shall first happen. [*Passed June 13.*]

CHAPTER 91.

ORDER ALLOWING £257. 11 TO WM TAYLOR, COMMISSARY.

Legislative
Records of the
Council, xxv.,
66.

House Jour-
nal, pp. 41, 82.

A PETITION of William Taylor Setting forth That in the Year 1756, He was appointed a Commissary for delivering Provision &c to the Army, and did at his return exhibit his Accounts; but by means of the multiplicity of Affairs before the Court, and his own long absence at divers times, his said Accompts have never yet been settled. And Praying the Order of this Court relative thereto.

Read again and

Ordered That this Petition be revived. And

Ordered That the sum of Two hundred fifty seven pounds, eleven shillings be allowed and paid out of the Publick Treasury to the Petitioner in full consideration for his Services within mentioned. [*Passed June 13.*]

CHAPTER 92.

ORDER ALLOWING £262. 12 TO ABR^A SAVAGE, COMMISSARY.

A PETITION of Abraham Savage Setting forth, That he was in the Year 1756 appointed a Commissary for delivering Provisions &c to the Army, and did at his return exhibit his Accounts; but that by means of many other and weighty Affairs of Government intervening, his said Accounts have never yet been settled, And Praying the order of this Court relative thereto.

Legislative
Records of the
Council, xxv.,
67.

House Jour-
nal, pp. 41, 82.

Read and

Ordered That this Petition be revived: And that the Sum of Two hundred sixty two pounds and twelve shillings be allowed and paid out of the Publick Treasury to the Petitioner in full consideration for his Services within mentioned. [*Passed June 13.*]

CHAPTER 93.

ORDER ALLOWING £5. 1. 4 AND A FURTHER SUM OF £9. 5. 9 TO JON^A TORREY, ETC.

UPON THE PETITION of Jonathan Torrey [*ante*, p. 345, chap. 276]

Read and

Ordered That this Petition be revived, and that the Sum of Five pounds one shilling and four pence be allowed and paid out of the Public Treasury to the Petitioner in consideration of that Sum stopped out of his Wages: and the further Sum of nine pounds, five shillings and nine pence on account of the expences within mentioned. And that the Treasurer be directed to notify the said Willard that he render to him his Account of the moneys by him received out of the Treasury according to a former Order of this Court. [*Passed June 13.*]

Legislative
Records of the
Council, xxv.,
67.

House Jour-
nal, p. 89.
Ante, p. 345,
chap. 276.

CHAPTER 94.

RESOLVE IMPOWERING THE ASSESSORS OF BRIMFIELD TO APPORTION TAXES IN THE S^O PRECINCT.

INASMUCH as the Town of Brimfield are taxed their full proportion of the Province Tax for the present year, as though the South part thereof were not set off a separate District, and the said District being omitted in the said Province Tax. Therefore

Resolved That the Assessors of the said Town of Brimfield be, and they hereby are empowered and directed to apportion the same

Legislative
Records of the
Council, xxv.,
67.

Province
Laws, iv., 601,
chap. 15; 650,
chap. 10; 694,
note.

on the Inhabitants of said District their just proportion of the same, by the Rules of Law in the same manner as though the said District had not been made and erected into a seperate District; and the same Rule also shall be observed with respect to the County Tax for the County of Hampshire for this present Year. And the said Inhabitants are hereby enjoined to pay the same; and the Collector or Collectors of the said South Precinct are also hereby enjoined to observe and obey such Warrant or Warrants as shall be directed to them from the Province Treasurer, and shall also in case of delinquency in collecting and paying in either the Province or County Tax aforesaid be subject to Warrants of Distress as other Collectors of Province or County Taxes.¹ [*Passed June 13.*]

CHAPTER 95.

ORDER ALLOWING £3 TO ELISHA COBB.

Legislative
Records of the
Council, xxv.,
68.

House Jour-
nal, pp. 64, 93,
94. Province
Laws, xvi., 247,
chap. 89.

A PETITION of Elisha Cobb Setting forth, That he served as a Soldier in the pay of the Province in 1758: that he returned his Gun into the Kings store at Albany and took a Receipt which he lost by the Sinking of a Batteau: but that a Stoppage hath been made from his Wages for the Amount of said Gun. And Praying Relief.

Read and

Ordered That the sum of three pounds be allowed and paid out of the Publick Treasury to the hon^{ble} Timothy Ruggles Esq^r for the use of the Petitioner in consideration of that Sum being stop'd out of his Wages. [*Passed June 13.*]

CHAPTER 96.

ORDER ALLOWING 30/ TO JACOB CROSBY.

Legislative
Records of the
Council, xxv.,
69.

House Jour-
nal, pp. 64, 93.

A PETITION of Jacob Crosby of Billerica, Praying Allowance for a Gun which his Brother Samuel Crosby, a Soldier in the Pay of the Province in 1758 carried into the Publick Service and lost.

Read and

Ordered That the Sum of thirty shillings be allowed and paid out of the Publick Treasury to Cap^t Enoch Kidder for the use of the Petitioner in full consideration for the Loss of his Gun within mentioned. [*Passed June 13.*]

CHAPTER 97.

ORDER ALLOWING £2 TO ABNER KEYS.

Legislative
Records of the
Council, xxv.,
69.

A PETITION of Abner Keys² of Chelmsford, Praying Allowance for his Gun which he lost in the Publick Service when a Soldier in the pay of the Province in 1758.

¹ Not found in the House Journal.

² The House Journal, p. 93, reads, "*Jonas Keyes.*"

Read and

Ordered That the Sum of two pounds be allowed and paid out of the Publick Treasury to Sampson Stoddard Esq^r for the use of the Petitioner in full consideration for the Loss of his Gun within mentioned. [*Passed June 13.*]

House Journal, pp. 64, 93.

CHAPTER 98.

ORDER ALLOWING £7. 5. 4 TO ROBT POPE.

A PETITION of Robert Pope Praying an Allowance of his expence upon the Wife of David Foster who was taken Sick while attending her said Husband who was a Soldier in the pay of the Province at the reduction of S^t Johns in Newfoundland, to whom this Court in their present Session made an allowance for his grievous Sufferings there; and likewise for the charge of burying the said Woman, who dyed of the Illness She then contracted.

Read and

Ordered That the Sum of Seven pounds five shillings and four pence be allow'd and and ' paid out of the Publick Treasury to the Petitioner in full consideration for his services and expences herein mentioned. [*Passed June 13.*]

Legislative Records of the Council, xxv., 69.

House Journal, pp. 51, 93, *Ante*, p. 335, chap. 37.

CHAPTER 99.

RESOLVE CONFIRMING LAND TO AARON WILLARD, JUN^R, AND ASSOCIATES AND ALLOWING THEM FURTHER TIME TO PAY THEREFOR.

WHEREAS Aaron Willard Ju^r Esq^r of Lancaster in June 1762 purchased from this Province the New Township Number Three partly in the County of Hampshire and partly in the County of Berkshire. And Whereas in order to make out the Township Number Five a very considerable Tract originally designed for said N^o 3. is taken into said N^o 5, and so the said Tonwship N^o 3 cannot be had in the same place nor in the same form as was originally designed; and so the Survey thereof has never yet been compleated, and the said Aaron and his Associates in the purchase have not been in any capacity to make any dispositions towards a Settlement thereof to this day.

Therefore

Resolved That the Tract of Land mentioned in the said Aarons Petition bounding West on the New Township Number two, and on the East line of said Township continued South to Number Four, North on the South line of the New Township Number Five continued to New Hingham, East on New Hingham, South partly on the New Township Number Nine and partly on the New Township heretofore laid out, and called Number Four be granted and confirmed to the said Aaron and his Associates in the said purchase, and to their heirs and assigns for the Township aforesaid; they performing the Settlement thereon originally enjoined: And that the said Aaron and his Associates be excused from paying any part of

Legislative Records of the Council, xxv., 70.

House Journal, pp. 83, 96, 97, *Ante*, p. 242, chap. 50.

the purchase money of said Township the present year, and that the interest thereon shall not commence against them, or be taken or computed on their Bond, 'till after one year from the time therein limited for the computing thereof, and that they be allowed one Year more than was originally proposed for the performing the Settlement and doing the duty thereon for the reasons in said Petition mentioned, and that the whole of the said Tract be annexed to the County of Hampshire. [*Passed June 14.*]

CHAPTER 100.

ORDER REFERRING THE ALLOWANCE OF THE PROVINCE TAX AND IMPOWERING THE INHABITANTS OF THE DISTRICT OF PRINCE TOWN TO CHOOSE A COLLECTOR.

Legislative
Records of the
Council, xxv.,
73.

House Jour-
nal, pp. 47, 53.
Province
Laws, xvi., 636,
chap. 153.

A PETITION of Boaz Moore and Ebenezer Jones in behalf of the District of Prince Town Setting forth, That pursuant to an Order of the General Court in January 1760 for the levying a Tax of 2^d $\varnothing$ Acre for 3 years on all the Lands in said District, the sum of £16.8.10 each year, amounting in the whole to £49.6.6 was laid on 1,973 Acres of Province Land in said District; and at a meeting in March 1762 they chose Samuel Nichols Collector; but he soon removed out of the Province without collecting any part of the Taxes committed to him: whereupon in February last one Timothy Mossman was chosen Constable and Collector in the room of the said Samuel Nichols. And doubts have^s arisen whether the said Mossman is obliged to collect the Province Tax, they pray that they may be allowed out of the Public Treasury the aforesaid sum of £49.6.6 for the Tax laid on the Province land aforementioned; and that they may be impowered to choose a Collector in the room of Samuel Nichols remov'd as aforesaid.

Read and

Ordered That so far as respects allowing the Tax prayed for be referred to the second Wednesday of the next Sitting of this Court.¹ And further that the Selectmen aforesaid be and hereby are authorized and impowered forthwith to notify and warn the Freeholders and other Inhabitants of said Town of Princetown to choose a Collector in room and stead of Samuel Nichols withinmentioned, and the said Collector so chosen being duly sworn into Office shall be, and hereby is authorized and impowered to receive said Tax or Assessment and collect the same in like manner as if he had been at first chosen into said Office. [*Passed June 15.*]

CHAPTER 101.

ORDER ALLOWING £2.13.1 TO THOS. EMERSON.

Legislative
Records of the
Council, xxv.,
74.

House Jour-
nal, p. 102.

A PETITION of Thomas Emerson, Praying an Allowance on account of a mistake made in Cap^t Farrington's Roll under whom the Petitioners Servant Nathaniel Parker serv'd as a Soldier in the Pay of the Province the last Year.

¹ The House Journal, p. 53, reads, *that a Tax of £49. 4 was allowed to Prince Town.*

Read and

Ordered That the sum of two pounds thirteen shillings and one penny be paid out of the Public Treasury to Ebenezer Nichols Esq^r for the use of the Petitioner in full consideration for his Apprenticeship being made up short in Cap^t Farringtons Roll AD 1762. [*Passed June 15.*]

CHAPTER 102.

RESOLVE APPOINTING A COMMITTEE TO ASCERTAIN THE BOUNDS BETWEEN BARNSTABLE, SANDWICH, FALMOUTH AND THE DISTRICT OF MASHPEE.

Legislative Records of the Council, xxv., 74.

Resolved That the Gentlemen appointed to repair to the Island of Chapaquidic on Martha's Vineyard be directed to ascertain the boundary Lines between the Towns of Barnstable, Sandwich and Falmouth adjoining upon the District of Mashpee. [*Passed June 15.*]

House Journal, p. 102.
Province Laws, iv., 693, notes. *Ante*, p. 403, chap. 33.

CHAPTER 103.

RESOLVE IN REGARD TO COLLECTION OF TAXES IN THE TOWN OF SANDISFIELD AND IMPOWERING THE PROPRIETORS THEREOF TO ASSESS A TAX ON RIGHTS TO LAND.

UPON THE PETITION of Daniel Brown in behalf of the Proprietors of Sandisfield [House Journal, p. 92], the following Order passed the Court viz^t

Legislative Records of the Council, xxv., 74.

Read and

Resolved That the Prayer of the foregoing Petition be so far granted that the Proprietors of the Township of Sandisfield are hereby invested with the same power to collect their outstanding Taxes as by Law they were vested with before said Proprietors were incorporated into a Township, and that the several Committees, Assessors and Collectors appointed by said Proprietors in a legal way, which are employed to collect said Taxes, or to make sale of delinquent Proprietors Lands for the payment thereof are hereby authorised and empowered to proceed in their several respective Offices in as full and ample a manner as if said incorporation had not been made. And the said Proprietors are also further vested with power to assess and collect one further tax of ten shillings on each Right of Land in said Town to be appropriated towards finishing the meeting House in said Township in the same way and manner as if said incorporation had not been made. [*Passed June 15.*]

House Journal, pp. 92, 101, 102.

CHAPTER 104.

ORDER IMPOWERING DIVERS PERSONS TO DIVIDE AND PARTITION LANDS AS MENTIONED IN THE PETITION OF MELATIAH BOURN AND OTHERS.

A PETITION of Melatiah Bourn and Mary his Wife, James Bayard, William Bayard, John Newland and Mehitabel his Wife, Arthur St Clair and Phoebe his Wife, and John Eliot and Sarah his Wife Set-

Legislative Records of the Council, xxv., 75.

House Journal, pp. 32, 100.

ting forth That the said Mary, James, William Mehitabel, Phœbe and Sarah as Representatives of the honorable James Bowdoin Esq^r deceased, are siezed in common and undivided with the Children of the Rev^d M^r Daniel Rogers by his late Wife Elisabeth Rogers, Minors and legal Representatives of Samuel Dummer deceased of and in a Proprietors Right or Proprietyship in the Westerly half of the Township of Leicester, which lyes wholly unimproved. And Praying that this Court would order that a division and partition may be made of said Proprietors Right and all the Lands belonging and of right appertaining thereto between the Persons interested therein:

Read and

Ordered That the Prayer of this Petition be granted, and that Thomas Steele Esq^r Cap^t Oliver Witt, Cap^t John Brown and M^r Stewart Southgate all of Leicester, and M^r John Cunningham, of Spencer or any three of them be and hereby are authorized and impowered, after they have been duly sworn for that purpose to make division and partition of the Lands mentioned in this Petition, and set off to the several Owners their respective Rights therein, to hold in severalty: and that they make return of the division and partition by them so made under their hands into the Office of the Clerk of the Superior Court as soon as may be to the end the same may be there recorded. [*Passed June 15.*]

CHAPTER 105.

ORDER IMPOWERING JOHN WARREN, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxv., 76.

House Journal, p. 103.
Province Laws, II., 151, chap. 10.

A PETITION of John Warren of Marlborough, Guardian of Zephaniah Morse a person Noncompos mentis, accompanied by a Certificate of the Selectmen of said Town, Setting forth, That the said Zephaniah is siezed of two parcels of Land in said Town, which lye almost waste, that he is already in debt for his support, and hath no other means for his future Support. And Praying leave to sell the said Lands in order to raise money for the forementioned purposes

[Read and]

Ordered That the prayer of this Petition be granted: and that John Warren as Guardian to Zephaniah Morse Non compos mentis, be and hereby is fully authorized and impowered to make sale of the two pieces of Land within mentioned belonging to the said Zephaniah for the most the same will fetch, and make and execute a good deed or deeds to the purchaser thereof, observing the directions in the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the money arising by the sale thereof shall be applied to the discharging of the just debts of the said Zephaniah, and the overplus, if any there be, be put to interest on good security, and the interest with so much of the principal as shall be wanted from time to time for the support and maintenance of the said Zephaniah, be applied to that purpose. [*Passed June 15.*]

CHAPTER 106.

RESOLVE ALLOWING £3. 18 TO JOSEPH HIDDEN.

A PETITION of Joseph Hidden Praying an Allowance on account of his Apprentice Benjamin Greenleaf, a Soldier in the pay of the Province in Cap^t Brown's Company the last Year, who was made up short in the muster Roll.

Read and

Resolved That there be allowed and paid out of the Province Treasury the sum of three pounds, eighteen shillings to the Petitioner Joseph Hidden his apprentice Benjamin Greenleaf being short made up in the muster Roll two months and five days.
[*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
77.

House Jour-
nal, pp. 66, 97.

CHAPTER 107.

ORDER ALLOWING 200 ACRES OF LAND TO ED: HIGBE AND HIS BRETHREN.

A PETITION of Edward Higbe¹ in behalf of himself and his Brothers and Sisters, Children of Daniel Higbe deceased, Setting forth That their Father being poor entered upon a piece of Province Land, about 8 years since, West of Sheffield and built a small house and made improvements thereon, and afterwards viz^t in the year 1760 He and two of his Sons inlisted into his Majestys Service in the pay of the Province, and he the said Daniel dyed in the Service, leaving his children in possession of the said Land and Improvements And Praying that they may have a Grant of the Same.

Read and

Ordered That there be granted to the Petitioners Edward Higbe and his Brothers viz^t Daniel, Wheeler, Elijah and Elnathan; and his Sisters Levine, Hannah and Rachel Two hundred Acres of the unappropriated Lands of this Province in the County of Berkshire on the West side of Sheffield including the Lands their Father Daniel Higbe deceased entered upon in his life time, and his said heirs are now in possession of. Provided they take a survey of the same by a Surveyor and Chainmen under Oath, and return a Plan thereof to the General Court for confirmation within one year from this time. [*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
77.

House Jour-
nal, pp. 66, 97.

CHAPTER 108.

RESOLVE IMPOWERING SILAS GATES AND ANNA HIS WIFE, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Silas Gates and Anna his Wife, which said Anna was Executrix of the last Will and Testament of Samuel Hammond late of Lunenburg decess'd and David Bemis of Watertown Guardian to Avis, Anna, Samuel and Phineas all Minors and Children

Legislative
Records of the
Council, xxv.,
78.

House Jour-
nal, pp. 104, 105.

¹ The House Journal, p. 66, reads, "*Edward Bigbee.*"

Province
Laws, ii., 151,
chap. 10.

of the aforesaid Samuel Hammond Setting forth, That the said Samuel by his last Will gave to the said Anna, the one half of a Farm and it's Appurtenances lying in Lunenburg, the other half whereof he gave to his said Children: But that the deceaseds debts amounts to more than his personal Estate; and as it would indamage the Farm to sell a part thereof, praying that they may be impowered to make Sale of the whole, they to be accountable.

[Read and]

Resolved That the Prayer of the foregoing Petition be so far granted as that the said Petitioners Silas and Anna Gates in their capacity be, and hereby are impowered to make Sale of the Real Estate in the Petition mentioned for the most the same will fetch, and to pass and execute a good deed or deeds thereof to the Purchaser or Purchasers, they observing the direction of the Law relative to the sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Worcester, that the money arising by said Sale, after the just debts are paid, be applied to and for the use of the said deceaseds Children, excepting the interest of one half thereof reserved for the Widow of the said deceased by the said deceased in his last Will and Testament during her natural life, at the expiration whereof the whole Principal to be reserved for the use of the said deceaseds Children. [*Passed June 15.*]

CHAPTER 109.

RESOLVE IN REGARD TO TAXES IN THE DISTRICT OF SOUTH BRIMFIELD.

Legislative
Records of the
Council, xxv.,
78.

UPON THE PETITION of the Selectmen of Brimfield [*ante*, p. 419, chap. 94] the following Order passed the Court viz^t

House Journal, pp. 46, 100,
101. Province
Laws, iv., 695,
note. *Ante*,
p. 419, chap. 94.

Whereas it has been represented to this Court that when the District of South Brimfield was set off from the Town of Brimfield, the Inhabitants of said District were ordered to pay all the Taxes that were then assessed upon them; but it so happened that the Warrant for the County Tax for said Town of Brimfield was not received till after said District was set off, whereby it is out of the power of said Town to assess said District their proportion of the County Tax. Therefore

Resolved That the District of South Brimfield pay the sum of Five pounds five shillings it being their proportion of the County Tax. And the Assessors of said District are hereby directed, authorized and impowered to assess the Inhabitants for the same in the same manner as they would have been assessed had the County Tax been received before the said District was set off. And the Assessors of the said South Brimfield are hereby directed to give in their Certificate to the Treasurer of the said County of their having made such Assessment and to whom the same is committed to collect &c and when to be paid: and the said Assessment is hereby ordered to be made on or before the first day of September next, and the Constable or Collector to whom the same shall be committed is hereby directed and impowered to collect and pay the same in to the Treasurer of said County on or before the first day of December next. And the Treasurer of said County is hereby impowered to issue his

Warrant or Warrants of distress against such assessors or Constable or Collector in case of delinquency respectively, as by law is directed in case of County Taxes, and the said Town of Brimfield are hereby released and discharged from the payment of the said Five pounds five shillings part of said County Tax. [*Passed June 15.*]

CHAPTER 110.

RESOLVE CONFIRMING A GRANT OF 200 ACRES OF LAND TO JN^O BORGHGHARDT.

A PETITION of John Borghghardt of Great Barrington, Setting forth, That the General Court in January 1742 made a Grant to his Father Coenract Borghghardt deceased of 200 Acres of Land, the Plat thereof to be returned within twelve months after for confirmation. That in June following the said Land was laid out, and it was expected that John Huston the Surveyor had returned the Plat agreeable to the Order of Court; but as the same was not returned, and the Petitioner has the sole right of the said Grant, Praying that the said Survey and Plat may be now accepted, and confirmed to him accordingly.

Read and

Resolved That the prayer of the Petition be granted. And that the Two hundred Acres of Land specified and described in the Plan exhibited with the Petition, and made by John Huston Surveyor be and hereby is confirmed to the said Petitioner, his heirs and Assigns, his omission of returning a Plan thereof for confirmation according to the original Grant notwithstanding. [*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
79.

House Jour-
nal, pp. 92, 95.
Province
Laws, xiii., 206,
chap. 190.

CHAPTER 111.

RESOLVE ERECTING THE TRACT OF LAND ANNEXED TO CHESTERFIELD INTO A SEPARATE DISTRICT.

UPON THE PETITION of Benjamin Bonney and Others, Inhabitants of the Town of Chesterfield [*ante*, p. 309, chap. 188] the following Order passed the Court.

Whereas the Great and General Court at their Session begun in January last annexed a Tract of Land lately called the additional Grant to the Narraganset or Quabin Proprietors, to the Town of Chesterfield in the County of Hampshire lying adjoining to the Northeasterly corner of said Town without ever ordering the Inhabitants of said Town to be notified, that so they might have opportunity to object thereto; the consequence of which is that those Inhabitants who live in the North easterly part of the Town (including those annexed as aforesaid) have it in their power, and have actually proceeded to vote to erect their Meeting House at a very considerable distance from the place commonly called the Meeting House Spot, a place where there is very good Ground, and by the Country Road leading from Northampton and Hatfield over to Pittsfield, and in the Center of the Town as originally incorporated, and also at a distance from those Lands reserved and laid out for

Legislative
Records of the
Council, xxv.,
80.

House Jour-
nal, pp. 56, 95,
96. *Ante*,
p. 309, chap.
188.

the use of the minister or ministry by the New Hingham Propriety so called, being the Southerly and Westerly part of said Town, there being none reserved or laid out for that purpose by the Narraganset or Quabin part, being the Northeasterly part of the same. And Where as it appears that their being so annexed has laid a foundation for lasting contention among them, which is already begun and will probably continue to the great hindrance of their Settlement and Prosperity. Wherefore

Resolved That the Inhabitants of the said annexed Tract with their Lands be seperated from the said Town of Chesterfield, and have no further right or power of acting in any Affairs relating to said Town. [*Passed June 15.*]

CHAPTER 112.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
81.

House Jour-
nal, pp. 105, 106.

THE HOUSE entered into the consideration of the Petitions of Sick and Wounded Soldiers, and thereupon the following Vote passed viz'

Ordered That there be paid out of the Public Treasury to M^r Chillingsworth Foster £6.12 for the use of James Covel in full.

To Thomas Hastings £9 in full.

To Joseph Gerrish Esq^r £6.10/ for the use of the Selectmen of Newbury in full

To M^r Jonathan Ashley £2 for Ephraim Ayers in full.

To Cap^t Ebenezer Thayer £2 for Paul Clark in full.

To Jos^s: Buckminster Esq^r £4.10/ for the use of Jonathan Dewey in full.

To M^r Daniel Whitney £1.7 for the use of William White in full.

To Ephraim Parker £1.12 in full.

To M^r David Wilder £2.14 for the use of Hannah Wood in full.

To Cap^t Abel Lawrence £4 for the use of Josiah Parker.

To James Humphrey Esq £3.10 for the use of Francis Loudon in full

To William Collins Esq^r £3.12 for the use of Jacob Burrell in full.

To Cha^s Prescot Esq^r in full £3.6.8 for the use of Thankful Smith.

To W^m Collins Esq^r in full £6 for the use of John Rhodes.

To Samuel Hadley in full £4

To Cap^t Abel Lawrence in full £2.4 for the use of Nathan Harrington.

To Henry Gardner Esq^r in full £4.6 for the use of Josiah Holding.

To Cap^t Abel Lawrence in full £2.16 for the use of Will^m Brown.

To Cap^t James Clay in full £4 for the use of Mathias Smith.

To Ebenezer Nichols Esq^r in full £2.14 for the use of M^r Joseph Jeffries

To Benj^a Reed Esq^r in full £2.14 for the use of Jonas Bowman.

To Benj^a Reed Esq^r in full £9 for the use of Elisabeth Wilson.

To Eben^r Nichols Esq^r in full £3.12 for the use of Elijah Tuttle.

To M^r Jon^a Ashley in full £1.10 for the use of Stephen Ayers.

To David Burt Esq^r in full £2.16 for the use of Leonard Hoar.

To Eliphalet Pond Esq^r in full £3.14 for the use of Samuel Stowell.

To Cap^t James Clay in full £2.12 for the use of Amos Lane.

To Cap^t James Clay in full £3.10 for the use of David Perry.

To Cap^t Abel Lawrence in full £5.16 for the use of John Cragg.
 To Jedediah Foster Esq^r in full £3.4 for the use of Sam^l Warner.
 To Joseph Sawyer Esq^r in full £3.12 for the use of James Deshon.
 [*Passed June 15.*]

CHAPTER 113.

RESOLVE APPOINTING A COMMITTEE IN REGARD TO LANDS BELONGING TO THIS PROVINCE IN THE PROVINCE OF MAIN.

In the House of Representatives.

Whereas it is Apprehended there are in divers parts of the late Province of Main sundry large tracts of Land belonging to this Province and it is of great Importance to the Government to have the same ascertained. Therefore

Resolved That Col^o Powell, and Col^o Bagley be a Committee, with such as the Hon^{ble} Board shall join, to Inquire into this Matter and in the best manner they can to ascertain what Lands belong to the Province in those parts and in order hereto the Committee are directed to give Publick Notice in all the Boston News Papers to all Persons Concerned of the Time & Place of their Meetings, that so any Person or Persons who claim Lands within said Territory may if they see cause Exhibit their Claims to said Committee.

The Committee to make report as soon as may be

In Council Read and Concurred and John Bradbury Esq^r is joined in the Affair. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
83. Mass.
Archives,
xlv1., 461.

Legislative
Records of the
Council, xxv.,
8, 9. House
Journal, p. 110.

CHAPTER 114.

VOTE ACCEPTING REPORT OF COMMITTEE APPOINTED ON THE LINE BETWEEN NEW HAMPSHIRE AND THE PROVINCE OF MAINE.

THE FOLLOWING REPORT OF A COMMITTEE was laid before the Court and passed on as follows viz^t

The committee appointed the 15th Instant to consider what is further necessary to be done by this Court in order to the running the Line betwixt that part of this Government called the Province of Maine and the Government of New Hampshire, are of opinion that his Excellency the Governor be desired to write again to Governor Wentworth requesting a Committee on the part of the Government of New Hampshire may be appointed to join the Committee from this Government to ascertain said Line as soon as conveniently may be, And that if said Government of New Hampshire decline joining herein, the Committee on the part of this Government be directed to proceed ex parte, and ascertain said Line. And that the Secretary be directed to furnish the Committee with all the papers necessary for this purpose.¹

(Signed) N. SPARHAWK by order

Read and Accepted. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
83.

Legislative
Records of the
Council, xxv.,
75. House
Journal,
pp. 102, 103.
Ante, p. 362,
chap. 310.

¹ The acceptance of this report not found in the House Journal.

CHAPTER 115.

RESOLVE APPOINTING A COMMITTEE TO EXECUTE A DEED TO WM DENNY.

Legislative
Records of the
Council, xxv.,
83.

House Jour-
nal, p. 113.

In the House of Representatives;

Resolved That Royall Tyler and James Otis Esq^{rs} with Such as the honorable Board shall join be a Committee in behalf of this Government to execute a good deed of Sale to M^r William Denny, his heirs and Assigns forever of a piece of Land on the Westerly side of the Province Stable Yard in Boston, of the contents of sixty six feet in length and nine feet and nine inches in breadth. Provided the said Denny at his own cost and charge shall build a good and sufficient Wall of Stone and Brick well laid in Lime Mortar of seven feet and half high, one hundred and eight feet in length round the Province Stables, and in breadth to the acceptance of said Committee. And that he give good security to the Government obliging himself and heirs to maintain the same forever.

In Council Read and Concurred and Thomas Hubbard Esq^r is joined. [*Passed June 16.*]

CHAPTER 116.

RESOLVE ALLOWING £116 TO THE COMMISSARY GENERAL FOR BUILD^G
A BRICK OR STONE FENCE TO PROV: HOUSE.

Legislative
Records of the
Council, xxv.,
84.

Legislative
Records of the
Council, xxv.,
48. House
Journal, pp. 75,
110.

Resolved That the Commissary General be, and he hereby is empowered and directed to build a Fence on the Northeast side of the Garden belonging to the Province House, with Stone and Brick, and that there be granted out of the Public Treasury the sum of One hundred and sixteen pounds to be by him receiv'd for the purposes aforesaid, he to be accountable to this Court. [*Passed June 16.*]

CHAPTER 117.

VOTE IN REGARD TO THE STOPPAGE OF £735. 16. 10 STER^G.

Legislative
Records of the
Council, xxv.,
84.

House Jour-
nal, p. 25.

IN THE HOUSE OF REPRESENTATIVES. The House taking into consideration a Letter from Charles Ward Apthorp Esq^r dated New York February 18th 1763 to M^r Secretary Oliver respecting the Stoppage £735.16.10 Sterling out of the Province money made by the R^t hon^{ble} the Earl of Kinnoul on account of a supposed mistake of £1,061.6.6 Sterling in the repayment of General Shirley's Loan to several of the Colonies in 1756, which Sum of £735.16.10 it is said was this Provinces proportion, and was deposited in the hands of Barlow Trecothick Esq^r Agent to the Remitters for the Crown until the Affair could be adjusted.

Voled That M^r Secretary Oliver take the first opportunity to acquaint M^r Agent Mauduit of this Stoppage, and send him the State of the case, as it went to Charles Ward Apthorp Esq^r together with a copy of M^r Apthorps Letter of the 18th of February last, and

the Accounts accompanying it, wherein he seems to allow that the said Stoppage was made by mistake, and also that M^r Secretary take the first opportunity to write to M^r Apthorp, and acknowledge his readiness to rectify this mistake, and to pay him to further the correction of it by explaining to M^r Trecothick how it arose, and to remove such Obstacles as may be in the way of the Provinces receiving their just due.¹

In Council Read and Concurred. [*Passed June 16.*]

CHAPTER 118.

RESOLVE ALLOWING £7. 19. 11 TO CAP^t EDWARD SHEAFFE.

Resolved That the Sum of Seven pounds, nineteen shillings and eleven pence be allow'd and paid out of the Public Treasury to Cap^t Edward Sheafe for bounty, blanket and billeting money due to his Servant, and for one Month and one day he was made up short in Captain Newhalls Muster Roll. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
85.

House Jour-
nal, pp. 91, 111.

CHAPTER 119.

RESOLVE IN REGARD TO THE COMMITTEE APPOINTED TO EXAMINE SUTTLERS ACCOUNTS.

WHEREAS it appears to this Court that there are a number of Minors made up in the last Years Pay Roll, who have taken of the Suttlers almost their whole Pay, whereby the Fathers and Masters of the said Minors have greatly suffered, and it being suggested that the same may have been occasioned by mistake.

Resolved That the Committee appointed to examine the Sutlers Accounts take the same into consideration, and if it appears to the said Committee that any mistakes have been made, or any undue charges to Minors allowed to the Suttlers in the Rolls already pass'd, that the same shall be rectified and made good by the said Sutlers before their Accounts against the Soldiers employed in the last Winters Service are allowed; and that this Order be printed in the Public News Papers. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
85.

House Jour-
nal, p. 110.
Ante, p. 282,
chap. 133.

CHAPTER 120.

RESOLVE ALLOWING £10 TO W^m BAKER.

Resolved That the sum of Ten pounds be paid out of the Public Treasury to M^r William Baker, Door keeper, in addition to the last Years Grant, in consideration of the scarcity of the Necessaries of Life. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
86.

House Jour-
nal, p. 111.
Ante, p. 316,
chap. 210.

¹ The final vote on the above not found in the House Journal.

CHAPTER 121.

RESOLVE CONFIRMING A PLAT OF 2,000 ACRES OF LAND TO JOSIAH DEAN.

Legislative
Records of the
Council, xxv.,
87.

House Jour-
nal, p. 109.
Ante, p. 242,
chap. 50; p. 329,
chap. 237.

A PETITION of Asa Douglass, Agent for Josiah Dean & Others Setting forth, That on the 3^d day of June last they purchased of a Committee of the General Court a Tract of Land lying between Stockbridge and Pittsfield for £2,550 but that when they came to enter upon the Premises, they found a number of Families who had settled thereon under Indian Titles, who insist upon their Right and refuse to remove; after which the Indians brought an Action of Trespass against one of the Purchasers for entering upon and improving the Land. And Praying the Interposition of the Government for their Relief. Whereupon the Great and General Court in February last made them a Grant of 2,000 Acres of Land, they releasing the Purchase in their Petition mentioned, a plan of which 2,000 Acres having been now presented to the Court for Allowance, the following Order passed thereon viz^t

The within Plan being presented for allowance.

Resolved that the same be allowed and that the Lands therein described (including the pricked Line for the use therein mentioned) be, and they hereby are confirmed to the said Josiah Dean, and to his heirs and Assigns forever; He fulfilling the terms and conditions upon which the Grant of the said Land was made to him on the 9th day of February last, Provided that it doth not exceed the number of two thousand Acres, nor interfere with any former Grant. [*Passed June 16.*]

CHAPTER 122.

ORDER OF NOTICE ON THE PETITION OF THE TOWN OF BELLINGHAM IN REGARD TO SETTLING A MINISTER.

Legislative
Records of the
Council, xxv.,
87.

House Jour-
nal, pp. 70, 106,
107.

A PETITION of a number of the Inhabitants of the Town of Bellingham Setting forth, That they have been destitute of a Minister of the Gospel for about twenty Years past, about which time, some Families among them were set off to other Parishes, leaving about 40 Families thus destitute who are unable of themselves to support a Minister: And Praying that the Families thus set off may be restored to them, and the Town obliged to support a minister among themselves.

Read and

Ordered That the Petitioners serve the Clerk of the West Parish in medway with a copy of this Petition, that they shew cause if any they have on the first Tuesday of the next Session of this Court why the prayer thereof should not be granted. [*Passed June 16.*]

CHAPTER 123.

RESOLVE ALLOWING £1. 16 TO NATH^l HOOPER.

UPON THE PETITION of Nathaniel Hooper, a Soldier in the Pay of the Province in 1756 under Cap^t John Loring, the following Order passed viz^t

Read and

Resolved that the Sum of One pound sixteen shillings be paid out of the Public Treasury to Cap^t Daniel Howard in full for the use of the Petitioner, he being made up one month short of the time he was in the Service. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
88.

House Jour-
nal, pp. 106, 108.

CHAPTER 124.

ORDER ALLOWING £3. 18. 4 TO JER: GOODRIDGE.

UPON THE PETITION of Jeremiah Goodridge, a Soldier in the pay of the Province in 1762 in Cap^t Henry Young Brown's Com-pany the following Order passed the Court viz^t

Read and

Ordered That the sum of three pounds, eighteen shillings and four pence be allowed and paid out of the Public Treasury to Cap^t Moses Little for the use of the Petitioner in full consideration for two Months pay not made up in the muster Roll. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
88.

House Jour-
nal, p. 108.

CHAPTER 125.

RESOLVE ALLOWING £3. 2. 8 TO CH: KNOWLTON.

A PETITION of Churchill Knowlton of Wenham Setting forth That his Son Ruben Knowlton was a Soldier in the pay of the Province in 1761 in Cap^t Dunlaps Company posted at Halifax, and that his said Son is charged in the muster Roll with a Suit of Cloaths of the Provinces which he never receiv'd, And Praying Relief.

Read and

Resolved That the Sum of Three pounds two shillings and eight pence be granted out of the Public Treasury to M^r Henry Herrick for the use of the Petitioner in full for the Cloathing mentioned. [*Passed June 16.*]

Legislative
Records of the
Council, xxv.,
88.

House Jour-
nal, pp. 66, 108,
109.

CHAPTER 126.

RESOLVE WITH ORDER OF NOTICE AND STAY OF EXECUTION ON THE PETITION OF JOHN BRYANT TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of John Bryant of Boston Mariner, Setting forth, That he was arrested at the Suit of one Edward Baxter upon a Process returnable to Suffolk Inferior Court in January last, to

Legislative
Records of the
Council, xxv.,
89.

House Journal,
p. 108.

which he gave Bail, and being then bound to Sea, he both impowered a Merchant here, and feed a Lawyer to defend the said Action, but it so hapned that neither his Attorney or his Lawyer made any Appearance; and so Judgment went against him by default for £65 and costs; whereas had the cause been tryed, he doubts not, but he should have recovered Costs against the Plaintiff: And Praying that he may be impowered to bring forward his Writ of Review upon said Action returnable to the next Suffolk July Court and that Execution may be stayed in the mean time.

Read and

Resolved That [the]¹ Petitioner serve the adverse Party with an attested copy of this Petition, That he shew cause, if any he hath on the second Thursday of the next Session of this Court, why the Prayer of this Petition should not be granted, and that Execution on the Judgment mentioned be stayed in the mean time: Provided the Petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such sum or sums of money as shall be finally recovered against him, together with lawful interest from this time. [*Passed June 16.*]

¹ Inserted from the House Journal, p. 108.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-FIRST DAY OF DECEMBER, A.D.
1763.

CHAPTER 127.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVT
SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE
SUM OF £185,279. 5. 5.

THE COMMITTEE appointed to repair to the Treasurers and take
an Account of the Government Securities by him redeemed and to
see them burnt and consumed to Ashes made report, That they had
received of the Treasurer and seen burnt accordingly Government
Securities amounting to £185,279.5.5

Read and

Ordered That this Report be accepted, and that the Treasurer be
discharged of the Sum of One hundred eighty five thousand, two
hundred and seventy nine pounds five shillings and five pence ac-
cordingly. [*Passed December 23.*]

Legislative
Records of the
Council, xxv.,
96.

Legislative
Records of the
Council, xxv.,
41. House
Journal, pp. 70,
123.

CHAPTER 128.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL
COUNTY.

AN ACCOUNT of Robert Luscomb Treasurer for the County of
Bristol being laid before the Court for allowance the following
Order passed thereon viz^t

Read and Accepted, And

Ordered That the said Account be allowed, and that the balance
thereof being fifty eight pounds, twelve shillings and nine pence
one farthing, the said Treasurer is further accountable to said
County for. [*Passed December 24.*]

Legislative
Records of the
Council, xxv.,
97.

House Jour-
nal, pp. 11, 125.

CHAPTER 129.

ORDER IMPOWERING JOSH^A WILBORE, GUARDIAN, TO SELL A PORTION OF AN ESTATE TO PAY DEBTS.

Legislative
Records of the
Council, xxv.,
98.

House Jour-
nal, pp. 128, 129.
Province
Laws, II., 151,
chap. 10.

THE FOLLOWING ORDER passed on the Petition of Joshua Wilbore¹ viz^t

Ordered That the Prayer of the Petition be granted; and that the Petitioner be, and is hereby fully authorized and empowered to make sale of so much of his Wards Estate as shall be sufficient to pay his debts, being Two hundred seventy nine pounds eight shillings and seven pence as set forth in the Petition: As also to defrey the charge of the Sale, and to execute a good deed or deeds in the Law for the same, first giving notice as the Law directs for the Sale of Intestate Estates, and sufficient Caution to the Judge of Probate for the County of Bristol, that the proceeds thereof be truly applied for the purposes aforesaid. [*Passed December 27.*]

CHAPTER 130.

RESOLVE IMPOWERING SAM^L PHILLIPS, GUARDIAN, TO SELL PART OF AN ESTATE TO PAY DEBTS.

Legislative
Records of the
Council, xxv.,
99.

House Jour-
nal, p. 129.
Province
Laws, II., 151,
chap. 10.

THE FOLLOWING ORDER passed on the Petition of Samuel Phillips Guardian.

Resolved That the Prayer of the Petition be granted, and that the Petitioner be, and is hereby fully authorized to make Sale of so much of the Land of his Ward as shall be sufficient to pay the Sum of Three pounds, nine shillings and two pence, a debt due from the Estate to the Petitioner; and to execute a good deed or deeds in the Law for the same, first giving notice as the Law directs for the Sale of Intestate Estates, and sufficient caution to the Judge of Probate for the County of Bristol, that the proceeds thereof be truly applied for the purposes aforesaid. [*Passed December 27.*]

CHAPTER 131.

RESOLVE IMPOWERING SAM^L PHILLIPS, JR., GUARDIAN, TO SELL A PORTION OF AN ESTATE TO PAY DEBTS.

Legislative
Records of the
Council, xxv.,
99.

House Jour-
nal, p. 129.
Province
Laws, II., 151,
chap. 10.

THE FOLLOWING ORDER passed on the Petition of Samuel Phillips jun^r Guardian.

Resolved That the Prayer of this Petition be granted, and that the Petitioner be and is hereby fully authorized to make sale of so much of his Wards Real Estate, as shall be sufficient to pay the Sum of Eight pounds, sixteen shillings and nine pence in order to defrey necessary Charges of Sale, and the debt due to the Petitioner;

¹ This petition, with various others in succeeding chapters, has not been found. Legislative Records of the Council, xxv., 93, at the opening of the session, has the following record: "The General Court Minutes from the 21st day of December 1763 to the 25th day of January following being lost by the burning of Harvard College, at which place the Court then sat, their Proceedings during that time are collected by Order of the General Court; and principally from the Journal of the House of Representatives."

and to execute a good deed or deeds in Law for the same, first giving notice as the Law directs for the Sale of Intestate Estates, and sufficient Caution to the Judge of Probate for the County of Bristol that the proceeds thereof be truly applied for the purposes aforesaid. [*Passed December 27.*]

CHAPTER 132.

ORDER GRANTING TO JOSH^A CHURCH LICENCE TO KEEP AN INN.

A PETITION of Joshua Church of Templeton in the County of Worcester Setting forth, That He has lately purchased a House and Land in said Town, which has for many Years (except the last) been improved as a Tavern: and as there is no licensed House near the Center of the said Town for the accomodation of Travellers, Praying That the Court of Sessions in the County of Worcester may be impowered to grant him a License to keep a Tavern there.

Read and

Ordered That the Justices of the General Sessions of the Peace for the County of Worcester be, and they hereby are impowered at their next Session to grant the Petitioner a License (if they see cause) to keep a Public House of Entertainment in the House mentioned (he having obtained the approbation of the Selectmen of said Town for that purpose) the remaining part of the Year, the time for granting Licenses being elapsed notwithstanding. [*Passed December 27.*]

Legislative
Records of the
Council, xxv.,
99.

House Jour-
nal, p. 130.

CHAPTER 133.

ORDER ALLOWING £20 TO JOSHUA RAND, JR.

A PETITION of Joshua Rand jun^r of Charlestown Setting forth, That He was in the Year 1757, after the Capitulation at Fort William Henry, taken Prisoner and suffered a miserable Captivity for the Space of five Years: That he was stripped of everything he had when He was discharged; and Praying the compassionate consideration of this Court, and a recompence for his very great Sufferings.

[Read and]

Ordered That the Sum of Twenty Pounds be granted and paid out of the Public Treasury to the Petitioner in full consideration for his Services and Sufferings mentioned. [*Passed December 28.*]

Legislative
Records of the
Council, xxv.,
101.

House Jour-
nal, pp. 129, 130,
132.

CHAPTER 134.

RESOLVE WITH ORDER OF NOTICE AND STAY OF EXECUTION ON THE PETITION OF W^M BULLOCK IN REGARD TO A JUDGMENT.

ON THE PETITION¹ of William Bullock, the following Order passed viz^t

Resolved That the Petitioner serve the adverse Party Nathaniel Winchester with a Copy of this Petition that he shew cause if any he hath, on the first Tuesday of the next Session of this Court,

Legislative
Records of the
Council, xxv.,
101.

House Jour-
nal, pp. 133, 134.

¹ Petition not found.

why the Prayer thereof should not be granted. And that Execution on the Judgment mentioned be stayed in the mean time, provided the Petitioner give sufficient Security to the Sheriff of the County of Bristol, to pay such sum or sums of money as shall finally be recovered against him. [*Passed December 28.*]

CHAPTER 135.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
102.

Mass.
Archives,
lxxx., 392, 393,
416, 417, 418, 419,
420, 421, 433, 434,
435. House
Journal,
pp. 134, 135.

IN THE HOUSE OF REPRESENTATIVES. The House entered into the consideration of the Petitions of Sick and Wounded Soldiers, and thereupon

Ordered That the following Sums be paid into the hands of Cornelius Crocker, for the use of the Persons hereafter named viz^t
The Sum of £2.7.6 for the use of Nathaniel Sturgis in full.
The Sum of £4.2 for the use of Hannah Childs in full.
The Sum of £3.6.7 for the use of Ebenezer Finney in full.
The Sum of £3.13.6 for the use of Jonathan Lumbert in full.
The Sum of £3.19 for the use of Thomas Dimonock in full.
The Sum of £2.13.8 for the use of Mary Colman in full.
The Sum of £3.6 for the use of Thomas Young in full.

Ordered also That the sum of £3.12 be paid into the hands of James Humphry Esq^r for the use of Joseph Shaw in full.

And that the Sum of £2.12 be paid to James Humphrey Esq^r for the use of Jonathan Darby in full.

Ordered also That the sum of £4.8 be paid into the hands of James Williams Esq^r for the use of Samuel Smith in full.

In Council Read and Concurred. [*Passed December 28.*]

CHAPTER 136.

ORDER CONFIRMING 1,199 ACRES OF LAND TO THE PROPRIETORS OF WARWICK.

Legislative
Records of the
Council, xxv.,
102. House
Journal, p. 131.

House Jour-
nal, p. 135.
Province
Laws, iv., 633,
note; xli., 273,
chap. 31.

A MEMORIAL of *Joseph Williams*, Esq; and others, a Committee of the Proprietors of a New Township, commonly called *Roxbury-Canada*, but now known by the Name of *Warwick*, praying, That eleven Hundred and Ninety-nine Acres may be added to the said Township, to make up for a Deficiency in the Memorial particularly mentioned.

[*Read and*]

Ordered That the Prayer of the Petition be granted, and that the Eleven hundred and ninety nine Acres of Province Land already incorporated into said Town of Warwick, be and hereby is given and confirmed unto the present Proprietors of said Roxbury or Gardners Canada, to be to them their heirs and Assigns forever, in order to make good what was taken off by the Government Line, and other deficiencies in the Petition mentioned. [*Passed December 28.*]

CHAPTER 137.

ORDER ACCEPTING REPORT OF COMMITTEE ON BOUNDARY LINES AND IN REGARD TO CHARGE OF SUPPORTING FORT DUMMER.

THE HONORABLE THOMAS HUTCHINSON ESQ^a having presented his report made by order of Court, respecting the State of the controversies between this Government and the Governments of New York and Connecticut respecting the Boundary Lines between them: and also a State of the Claim of this Province to a Reimbursement of the Charge of supporting Fort Dummer and the Frontiers of New Hampshire. The same was passed on as follows viz^t

Read and

Ordered That this Report be accepted, and that the Secretary be directed to transmit the same to M^r Agent Mauduit as soon as may be. [*Passed December 28.*]

Legislative
Records of the
Council, xxv.,
103.

Legislative
Records of the
Council, xxv.,
10, 19; appen-
dix, l.-xxx.
House Jour-
nal, pp. 20, 38,
123, 135, 136.
Province
Laws, iv., 1006,
note.

CHAPTER 138.

ORDER ALLOWING £3 TO ISAAC EVELETH.

A PETITION of Isaac Eveleth of Lancaster a Soldier in the Pay of the Province the last Year. Praying that a Stoppage of Three pounds upon the Muster Roll may be allowed him in consideration of the Loss of his Gun in Action at Newfoundland

Read and

Ordered That the Sum of Three pounds be paid out of the Treasury to M^r David Wilder in full consideration for the Loss of his Gun. [*Passed December 29.*]

Legislative
Records of the
Council, xxv.,
104.

House Jour-
nal, p. 137.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 139.

ORDER IMPOWERING PATIENCE BURGISS, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

THE FOLLOWING ORDER passed on the Petition of Patience Bur-giss [for the sale of land for her support] viz^t

Read and

Ordered That the Prayer of the Petition be granted, and the Petitioner be, and She is hereby empowered to make Sale of, and execute a good and lawful deed or deeds of the Land mentioned in the Petition; and the Proceeds of said Sale to be applied for the payment of the Petitioner's just debts; and the Overplus, if any there be, to rest in the hands of the Guardians of the Indians in the County of Plymouth, to be by them disbursed for her comfortable Support, as they shall think proper. [*Passed December 29.*]

Legislative
Records of the
Council, xxv.,
104.

House Jour-
nal, pp. 134, 138,
139. Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 140.

ORDER IMPOWERING JN^O BRYANT TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxv.,
106.

House Jour-
nal, pp. 108, 140.
Ante, p. 433,
chap. 126.

A PETITION of John Bryant [*ante*, p. 433, chap. 126]

Read together with the Answer of Edward Baxter and

Ordered That the Prayer of the Petition be granted; and that the Petitioner be, and he hereby is empowered and enabled to bring a Writ of Review of the Action therein mentioned at the Inferior Court of Common Pleas, to be holden in the County of Suffolk, on the first Tuesday of April next: And the Justices of said Court are hereby impowered to hear and try the same, make up Judgment and award Execution thereon the former Judgment notwithstanding. [*Passed December 29.*]

CHAPTER 141.

ORDER IMPOWERING MARY FOSTER TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
106.

House Jour-
nal, pp. 140, 141.
Province
Laws, ii., 151,
chap. 10.

THE FOLLOWING ORDER passed on the Petition of Mary Foster [for the sale of land for her support] viz^t

Ordered That the Prayer of the Petition be so far granted, as that the said Mary Foster be, and She hereby is impowered to make Sale of the Real Estate of the said deceased for the most the same will fetch, and to execute a good deed or deeds in law for conveying the same; She observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving a sufficient caution to the Judge of Probate for the County of Worcester, that the money arising by said Sale be and remain, the Principal thereof for the benefit of the heirs of the deceased, and the interest thereof be improved for the Support of the said Mary during her remaining the said deceased's Widow agreeable to the deceaseds last Will and Testament. [*Passed December 29.*]

CHAPTER 142.

ORDER ALLOWING £2. 11 TO AMOS KEITH.

Legislative
Records of the
Council, xxv.,
107. House
Journal, p. 142.

House Jour-
nal, p. 122.

THE COMMITTEE appointed to consider the Petition of Amos Keith, made Report.

[Read and]

Ordered That the sum of Two pounds eleven shillings be paid out of the Treasury to Daniel Howard Esq^r for the use of the Petitioner in consideration of the Stoppage of the Gun mentioned. [*Passed December 30.*]

CHAPTER 143.

RESOLVE IMPOWERING REB. FRENCH TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

THE FOLLOWING ORDER passed on the Petition of Rebecca French viz' [for the sale of land to pay debts]

Resolved That the Prayer of the Petition be granted; and that the Petitioner in her capacity be, and She hereby is impowered to make Sale of so much of her late Husbands Real Estate, as shall be sufficient to pay the debts of her deceased Husband that remain unpaid amounting to the sum of Twenty pounds two shillings and five pence, and also to defrey the charge of the Sale thereof, She observing the directions of the Law respecting the Sale of Intestate Estates, and giving sufficient Caution to the Judge of Probate for the County of Middlesex, that the money arising by the Sale aforesaid be truly applyed to the Purposes abovementioned. [*Passed December 30.*]

Legislative
Records of the
Council, xxv.,
107.

House Jour-
nal, pp. 142, 143.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 144.

ORDER ALLOWING £8 TO JAMES NICHOLS.

A PETITION of James Nichols, a Captive taken on board the Prince of Wales, praying the usual Allowance for his Sufferings in Captivity.

Read and

Ordered That the Sum of Eight pounds be allowed and paid out of the Publick Treasury to the Petitioner in full. [*Passed December 30.*]

Legislative
Records of the
Council, xxv.,
109.

House Jour-
nal, p. 146.

CHAPTER 145.

RESOLVE IMPOWERING JER: COMECHO, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jeremy Comecho of Natick. Indian Planter Praying leave to sell fifteen Acres of Land, part of his Estate in Natick consisting of a House and about forty Acres of Land, in order to discharge sundry debts contracted for necessities and to enable him to repair his House.

[Read and]

Resolved That the Prayer of the Petition be so far granted, as that the Petitioner be, and he hereby is impowered to make Sale of fifteen Acres of such part of his Lands as will be least prejudicial to the remainder, and to make and execute a good deed or deeds of Conveyance thereof in Law. The whole Transactions to be under the Inspection of the Guardians for Natick Indians and the money arising by such Sale to be put into the hands of said Guardians to be by them improved for the several purposes as set forth in the Petition. [*Passed December 30.*]

Legislative
Records of the
Council, xxv.,
85, 109.

House Jour-
nal, pp. 112, 144,
146. Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 146.

RESOLVE ALLOWING 40' ANNUALLY FOR THREE YEARS TO DANIEL EVANS.

Legislative
Records of the
Council, xxv.,
109.

House Jour-
nal, p. 146.

Resolved That the sum of Forty shillings annually for three years ensuing beginning the 30th of December 1763, be granted to the Petitioner (Daniel Evans) the first years payment now to be made him. [*Passed December 30.*]

CHAPTER 147.

RESOLVE ALLOWING £5 PER ANNUM TO JOSEPH FOARD.

Legislative
Records of the
Council, xxv.,
110.

House Jour-
nal, pp. 146, 147
(December,
1763). Exec-
utive Records of
the Council,
xv., 347. *Ante*,
p. 249, chap. 62.

THE FOLLOWING ORDER passed on the Petition of Joseph Foard of Braintree

Resolved That there be granted to the Petitioner a pension of Five pounds a year to begin the 29th of this Instant December and to continue during the Pleasure of the Court. [*Passed* December 30.*]

CHAPTER 148.

ORDER ALLOWING £7 ANNUALLY FOR THREE YEARS TO W^m SNELL.

Legislative
Records of the
Council, xxv.,
110.

House Jour-
nal, p. 147.

THE FOLLOWING ORDER passed on the Petition of William Snell viz^t

Ordered That a Pension of Seven pounds annually be allowed and paid out of the Treasury to the Petitioner for the term of three years beginning the 30th current; and that the first payment be now advanced to Daniel Howard Esq^r for the present relief of the Petitioner. [*Passed December 30.*]

CHAPTER 149.

RESOLVE ALLOWING £530. 7. 2. 1 ADDITIONAL TO THE COMMITTEE APPOINTED TO ERECT THE NEW BUILDING AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
110.

Mass.
Archives,
lviii., 487.
House Jour-
nal, pp. 147, 148.
Ante, p. 250,
chap. 65; p. 372,
chap. 323.

THE COMMITTEE appointed to erect a New College at Cambridge made report of their Doings, and delivered the Keys to be disposed of as the Court should order, at the same time presenting a Memorial relative to the extraordinary expence attending the Building. Whereupon the following Order passed viz^t

In the House of Representatives The House entered into the Consideration of the memorial representing that the said Hall had cost Five hundred and thirty pounds, seven shillings and two pence farthing more than the four thousand two hundred and Eighty three pounds (the Amount of the Estimate mentioned in said Memorial) and after a debate

Resolved That the sum of Five hundred thirty pounds, seven shillings and two pence farthing, and the Remainder of the said Four thousand two hundred & eighty three pounds aforesaid be granted and paid out of the Public Treasury to the Committee to enable them to discharge the Accounts of the several Persons employed in building said Hall.

In Council Read and Concurred. [*Passed December 30.*]

CHAPTER 150.

RESOLVE ALLOWING £26. 5 TO DOCT^R JER: HALL.

A PETITION of *Jeremiah Hall* of *Pembroke*, in the County of *Plymouth*; Shewing, he was Surgeon of the Regiment commanded by Col. *John Thomas*, Anno 1759. That he was made up short in the Muster-Roll from the 8th of *March* till the 20th Day of *May* following, which he prays an Allowance for.

Legislative
Records of the
Council, xxv.,
111. House
Journal, p. 34.
House Jour-
nal, pp. 50, 150.

[Read and]

Resolved That the sum of Twenty six pounds five shillings be paid out of the Publick Treasury to the Petitioner in full for his Services mentioned. [*Passed December 31.*]

CHAPTER 151.

RESOLVE DIRECTING THE PROVINCE TREASURER TO PAY £400 TO
JAMES BOYCE & RICHARD CLARK.

A PETITION of *James Boyce*, and *Richard Clark*, both of *Milton* shewing, That they have taken great Pains for a Number of Years past in making and Manufacturing Paper at *Milton* aforesaid, which they apprehend will be of great Advantage, especially to the poorer sort of People, who are employed in picking up Raggs and Ropes, of which the Paper is made: They therefore pray a Bounty for their Encouragement in this Mystery.

Legislative
Records of the
Council, xxv.,
111. House
Journal, p. 124.
House Jour-
nal, pp. 124, 150,
151.

Read; And as the Paper Mills upon the *Milton* Stream have been very advantageous to the Province, but are now in a ruinous Condition; therefore in order to their being repaired

Resolved That the Treasurer be directed to pay into the hands of the Petitioners the Sum of Four hundred pounds, taking their Obligation without Interest with Sufficient Security for the repayment thereof in manner following viz^t One hundred pounds within two years from the date of their Obligation; and one hundred pounds within each year then next following, until the whole of the aforesaid Sum of Four hundred pounds shall be repaid. [*Passed December 31.*]

CHAPTER 152.

RESOLVE ALLOWING £6. 2. 9 TO THE TOWN OF GREENWICH, &c.

Legislative
Records of the
Council, xxv.,
113. House
Journal, p. 149.

Legislative
Records of the
Council, xxv.,
68, 112. House
Journal, pp. 92,
152, 153. Prov-
ince Laws, iv.,
782, note.

A PETITION of the Inhabitants of *Greenwich*, shewing, That as there are a small Number of Inhabitants on the Land (called Equivalent Land) adjoining to *Greenwich*, and have been Taxed there, but are lately incorporated into *Belcher-Town*: They pray the said Inhabitants may be Taxed to *Greenwich* this Year, for the Reasons mentioned.

[Read &]

Resolved That the Sum of Six pounds two shillings and nine pence be allowed and paid out of the Public Treasury to M^r Robert Cutler, Agent for the Town, for the use of said Town; and that the said Sum be added to the Town of Belcher Town in the next Province Tax. [*Passed January 2.*]

CHAPTER 153.

RESOLVE ALLOWING £3. 17. 4 TO SARAH HILTON.

Legislative
Records of the
Council, xxv.,
113. House
Journal, p. 154.

House Jour-
nal, p. 154 *bis*.

A PETITION to *Sarah Hilton*, of *Lunenburg*, shewing she expended the Sum of *seven Pounds five Shillings and eleven Pence one Farthing*, upon a sick Soldier, viz. *Samuel Hilton*, whom she had the Care of in the Year 1762, for which she prays Allowance.

[Read and]

Resolved That the sum of Three pounds, seventeen shillings and four pence be paid out of the Publick Treasury to Edward Hartwell for the use of the Petitioner in full. [*Passed January 3.*]

CHAPTER 154.

ORDER ACCEPTING REPORT OF COMMITTEE ON SOUTH HADLEY PETNⁿ IN REGARD TO TAXES.

Legislative
Records of the
Council, xxv.,
113. House
Journal, pp. 91,
92.

Legislative
Records of the
Council, xxv.,
102. House
Journal,
pp. 91, 92, 134,
154, 155. *Ante*,
p. 154, chap.
356.

A PETITION of the Inhabitants of the East Parish in the District of *South-Hadley*, in the County of *Hampshire*, by *William Eastman* their Agent, representing their Difficulties in the late Division from the West Parish, and Praying the Interposition of this Court in the Affair.

Report, Read and Accepted, thereupon

Ordered, That all those persons belonging to the West or First¹ Parish in the District of South Hadley, whose Lands adjoin to, and are interested by the Line which divides the two Parishes in said District; a part of which Lands may be included in the second, shall be rated or taxed to pay all Parish Charges in the First, notwithstanding such Lands lying in part within the Bounds of the second Parish: And all Persons belonging to the second Parish, whose Lands lye as abovementioned shall be taxed to pay all Parish Charges to the second Parish, notwithstanding their lying in part within the Bounds of the First. [*Passed January 3.*]

¹ *Sic.*

CHAPTER 155.

ORDER SETTING OFF DIVERS PERSONS IN LYNN & CHELSEA AND THEIR ESTATES TO THE THIRD PRECINCT IN LYNN.

A PETITION of Richard Mower and Others, Inhabitants of the Towns of Lynn and Chelsea, Praying that they may be set off to the third Parish in Lynn, as they lye more commodious for attending the Public Worship there than else where.

Report Read and Accepted. And thereupon

Ordered That the Petitioners with their Estates lying within the Bounds of the third Precinct in Lynn, be, and hereby are set off thereunto, there to do duty and receive priviledge. [*Passed January 3.*]

Legislative
Records of the
Council, xxv.,
36, 113.

Legislative
Records of the
Council, xxv.,
106. House
Journal, pp. 66,
141, 155.

CHAPTER 156.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF WADSWORTH MAYHEW AND OTHERS IN REGARD TO A JUDGMENT.

THE FOLLOWING ORDER passed on the Petition of Wadsworth Mayhew [and others in regard to a judgment] viz^t

Read and

Ordered That the Petitioners serve the adverse Party, Cornelius Bassett with a Copy of this Petition that he shew cause (if any he hath) on Tuesday the 24th Instant, if the Court be then sitting, if not, on the first Thursday of the next Session of this Court why the Prayer thereof should not be granted; and that Execution on the Judgment mentioned be stayed in the mean time. [*Passed January 3.*]

Legislative
Records of the
Council, xxv.,
113.

House Jour-
nal, p. 155.

CHAPTER 157.

RESOLVE IMPOWERING OLIVER PRESCOT TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

THE FOLLOWING ORDER passed on the Petition of Oliver Prescott of Groton [to sell land for payment of debts] viz^t

Resolved That the Prayer of the Petition be granted; and that the Petitioner in his said capacity be, and hereby is impowered to make Sale of the whole of the Real Estate for the most the same will fetch, and give and execute a good deed or deeds of Conveyance of the same. The Petitioner observing the directions of the Law relating to the Sale of Real Estates by Executors and administrators, and giving due caution to the Judge of Probate for the County of middlesex, that the proceeds of such Sale shall be applied so far as is necessary for discharging the just debts of the deceased; and that the remainder of the proceeds, if any there be, shall be distributed to and among the heirs at Law: And that he render to the said Judge an Account of his Proceedings in the premises, when thereto lawfully required. [*Passed January 4.*]

Legislative
Records of the
Council, xxv.,
114.

House Jour-
nal, p. 159.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 158.

RESOLVE ALLOWING 18/ TO ISAAC HOWE.

Legislative
Records of the
Council, xxv.,
115. House
Journal, p. 128.
House Jour-
nal, pp. 128, 160.

A PETITION of *Samuel Livermore*, Esq; in behalf of *Isaac How*, late of *Hopkinton*, shewing, That the said *Isaac* was in the Service of this Province in the Year 1756, in Capt. *Jones's* Company in the Expedition against *Crown-Point*: That on the 6th of *October* the same Year he was regularly discharged, being unfit for Duty: That the Petitioner (being then at *Albany*) advised the said *Isaac* to go home, which he accordingly did, and bore his own Expenses on the Road: That he has received no Consideration therefor. The Petitioner therefore prays a reasonable Allowance for the said *Isaac* for the Reasons mentioned.

[Read and]

Resolved That the sum of eighteen shillings be granted and allowed out of the Publick Treasury to *Samuel Livermore Esq* for the use of the Petitioner in full. [*Passed January 4.*]

CHAPTER 159.

ORDER ALLOWING £9 TO JOHN HOAR.

Legislative
Records of the
Council, xxv.,
115. House
Journal, p. 125.
House Jour-
nal, pp. 125, 161.

A PETITION of *John Hoar*, shewing, That on the first Day of *March* last he inlisted into His Majesty's Service as a private Soldier in the Regiment commanded by *Jonathan Hoar*, Esq; in the Company of *William Barron*, but before he joined the said Company he was taken Sick, and continued so 'till the Company was dismissed, and he has not been made up in the Muster-Roll; he therefore prays he may be allowed Wages in the Time of his Sickness.

[Read and]

Ordered That the Sum of Nine pounds be granted and allowed out of the Publick Treasury to the Petitioner in full for his Wages in the Service. [*Passed January 4.*]

CHAPTER 160.

ORDER ALLOWING £8. 14. 8 TO MARY HICKS, ADM^x.

Legislative
Records of the
Council, xxv.,
116. House
Journal, p. 156.

A PETITION of *Mary Hicks* of *Salem*, in the County of *Essex*, Administratrix on the Estate of her Father *Joshua Hicks*, deceased, shewing she has found in a private Draw since her Father's Death, a Number of Bills of Credit of this Province, amounting to *sixty-three Pounds* old Tenor, for which she prays an Allowance.

[Read and]

Ordered That the Treasurer be directed to receive the Bills mentioned viz^t Sixty three pounds in Bills which are whole, and Two pounds ten shillings in halves and quarters of Bills, both which Sums amount to Sixty five pounds ten shillings Old tenor: That

Legislative
Records of the
Council, xxv.,
41. House
Journal,
pp. 156, 162, 163.

upon receipt thereof, he pay to the said Mary the Sum of Eight pounds fourteen shillings and eight pence in full consideration therefor: And that at the next meeting of a Committee of this Court appointed to take an account of and reduce to ashes the Government Securities redeemed by him he deliver these Bills to them in order to their being in like manner reduced, which they are hereby directed to do. [*Passed January 5.*]

CHAPTER 161.

* RESOLVE IMPOWERING JON^A PATCH, ADM^R, TO SELL REAL ESTATE.

THE FOLLOWING ORDER passed on the Petition of Jonathan Patch [to sell land for payment of debts] viz^t

Resolved. That the Prayer of the Petition be so far granted as that the Petitioner in his said capacity as Administrator be, and hereby is empowered to make sale of so much of the said deceaseds Real Estate mentioned (where it will be least prejudicial to the Remainder) as will sell for sixty five pounds, to enable the said Petitioner to satisfy the deceaseds just debts; and to make and execute a good deed or deeds of conveyance thereof in the Law; He observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex to account with him for the Produce thereof. [*Passed January 6.*]

Legislative
Records of the
Council, xxv.,
118.

House Jour-
nal, p. 166.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 162.

RESOLVE ALLOWING £15 TO CAPT. MOSES HART.

A PETITION of Moses Hart, late a Captain in the Service of the Province, Praying he may receive fifteen pounds out of the Treasury for five Arms which he has stopped in the Column of those Soldiers who lost them.

[Read and]

Resolved That the Sum of Fifteen pounds be paid out of the Public Treasury to the Petitioner for the five Arms mentioned, for which no Warrant has yet been drawn upon the Treasury. [*Passed January 6.*]

Legislative
Records of the
Council, xxv.,
118.

House Jour-
nal, pp. 112, 113,
145, 146, 166.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 163.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be granted and paid out of the Public Treasury to Richard Saltonstall Esq^r the following Sums viz^t

Two pounds three shillings & six pence for the use of William Colby in full.

Two pounds three shillings & six pence for the use of Richard Colby in full.

Legislative
Records of the
Council, xxv.,
118.

House Jour-
nal, pp. 166, 167.

One pound seventeen shillings & three pence for the use of Sam^l Annis in full.

Two pounds four shillings and ten pence for the use of Moses Garland in full.

Two pounds three shillings & six pence for the use of Jacob Brown in full.

Two pounds three shillings & six pence for the use of Moses Sanburn in full. [*Passed January 6.*]

CHAPTER 164.

RESOLVE ALLOWING A TAX OF ONE PENNY PER ACRE FOR TWO YEARS ON ALL LANDS IN THE DISTRICT OF MONSON.

Legislative
Records of the
Council, xxv.,
119. House
Journal, p. 39.

A PETITION of *Samuel King*, and others, a Committee appointed by the District of *Monson*, Praying, A Tax may be laid upon all the Lands in said District for the Reasons mentioned.

[Read and]

Legislative
Records of the
Council, xxv.,
86. House
Journal, pp. 39,
54, 169.

Resolved That this Petition be revived, and that there be granted a Tax of one penny per acre for two years on all the Lands within the said District: And that the assessors of said District be, and hereby are empowered to assess the same; and the Collectors of the said District to collect the same; which Tax when collected shall be paid to the Treasurer of said District for the purposes mentioned. And if any of the Owners or Proprietors of said Lands shall neglect or refuse to pay said Tax in sixty days after said Tax is made and published in the Shire Town of the County where said District lyes, and in all the Boston News Papers three weeks successively: That then the Assessors be, and hereby are empowered to make Sale of so much of said Delinquents Lands as may be sufficient to pay said Taxes and Charges. [*Passed January 6.*]

CHAPTER 165.

ORDER ALLOWING £26.12 TO THE DISTRICT OF NEW SALEM.

Legislative
Records of the
Council, xxv.,
120.

Legislative
Records of the
Council, xxv.,
108. House
Journal,
pp. 138, 145, 170.
Province
Laws, iv., 782,
note.

WHEREAS a Vote passed the two Houses on the 30th day of December last ordering the sum of £26.12 to be paid out of the Public Treasury to the Inhabitants of New Salem; said Sum to be added to the Tax of Sunderland and Montague the next year; but the Petition on which such Vote was founded being mislaid before it was offered to his Excellency the Governor for his Consent, and the Agents of said Inhabitants waiting in Town

Ordered That the said sum of Twenty six pounds, twelve shillings be paid to such Agents, and added to the Taxes of such Town; said Petition being mislaid notwithstanding. [*Passed January 7.*¹]

¹ The warrant for this amount was authorized under date of January 4th.

CHAPTER 166.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES, The House entered into the consideration of the Reports upon the Petitions of sick and wounded Soldiers, and thereupon the following Votes passed viz^t

Ordered That the sum of Two pounds, sixteen shillings be paid out of the Public Treasury to Cap^t Ebenezer Thayer for the use of John Trask in full. To M^r John Turner the sum of Three pounds ten shillings for the use of Ruth Harden in full. To M^r Daniel Hall the sum of Four pounds seventeen shillings and two pence for the use of Zachariah Rider in full. To Ezra Taylor Esq^r the Sum of Seven pounds ten shillings for the use of Huldah Witherbee in full.

To Cap^t Ebenezer Sprout the Sum of three pounds ten shillings for the use of James Willis in full. To James Fowle Esq^r the sum of Five pounds for the use of Eph^m Wyman in full. To Jeremiah Dexter the Sum of Five pounds twelve shillings in full. To M^r David Wilder the Sum of Six pounds five shillings for the use of Stepⁿ Gates in full. To Ditto the Sum of Two pounds sixteen shillings for the use of Abijah Code in full. To Ditto the Sum of Three pounds for the use of Lydia Johnson in full. To Ditto the Sum of Three pounds for the use of Jane Harper in full. To Cap^t Woodbridge Brown the sum of Two pounds six shillings and six pence for the use of Ezekiel Reed in full. To Ditto the Sum of Two pounds four shillings for the use of Tho^s Torrey in full. To Ditto the Sum of One pound eighteen shillings for the use of Ruth Reed in full. To Ditto the Sum of Two pounds for the use of Jacob Poole in full.

To Sampson Stoddard Esq^r the Sum of Five pounds ten shillings for the use of John Spaulding in full. To Ditto the Sum of Three pounds for the use of Thomas Wright in full. To Briggs Alden Esq^r the Sum of Two pounds eight shillings for the use of Ephraim Waterman in full. To Andrew Belcher Esq^r the sum of Two pounds eight shillings for the use of Robert Kilpatrick in full.

To M^r John Turner the sum of Two pounds for the use of Nathan^l Randall exclusive of the Doctors Bill. To Ditto the Sum of Two pounds ten shillings for the use of Samuel Wade in full. To Ditto the sum of Two pounds twelve shillings for the use of David Garnet in full. To Ditto the sum of Two pounds ten shillings for the use of Joshua Turner in full. To Cap^t John Dexter the Sum of Three pounds two shillings for the use of Joseph Breeden in full.

To Daniel Howard Esq^r the Sum of Two pounds fifteen shillings for the use of Charles Bisbee in full. To Ditto the Sum of Four pounds

one shilling for the use of Barnabas Snell in full. To Doct^r Porter the Sum of Five pounds for the use of the Selectmen of Danvers in full. To Cap^t Henry Young Brown the sum of Eleven pounds, ten shillings for the use of Moses Garland and John Moodey Gilman in full.

To Daniel Howard Esq^r the Sum of One pound ten shillings for the use of Joseph Allen in full. To Cap^t Abel Lawrence the Sum of Two pounds five shillings and seven pence for the use of Richard Harrington in full.

To James Fowle Esq^r the Sum of Five pounds two shillings for the use of Benjamin Nutting in full. To Cap^t Abel Lawrence the Sum of Two pounds for the use of Samuel Farwell in full. To Charles Prescott

Legislative
Records of the
Council, xxv.,
121.

Mass.
Archives,
lxxx., 301, 302,
323, 324, 325, 327,
372, 377, 378, 379,
384, 387, 388, 389,
390, 401, 409, 410,
411, 412, 413, 414,
415, 422, 423, 424,
425, 426, 427, 428,
429, 437, 438, 439,
440, 441, 442, 445.
House Jour-
nal, pp. 175, 176,
177.

Esq^r the sum of Three pounds for the use of Bulkley Prescott in full. To John Noyes Esq^r the Sum of Two pounds fourteen shillings for the use of Abraham Jenkins in full.

In Council Read and Concurred. [*Passed January 9.*]

CHAPTER 167.

ORDER ALLOWING £60 AND A FURTHER SUM OF £18 TO ROB^t BALL.

Legislative
Records of the
Council, xxv.,
122. House
Journal, p. 169.

House Jour-
nal, pp. 169, 177.

A PETITION of *Robert Ball*, Keeper of the Light-House, shewing, That his thirtieth Year for keeping said Light-House, expired on the nineteenth of *November* last; for which he prays an allowance, and that it may be advanced in proportion to the dearness of the Necessaries of Life; and that the Sum of *eighteen Pounds* may be reimbursed him for Fire-wood.

[Read and]

Ordered That the sum of Sixty pounds be granted out of the Public Treasury to the Petitioner for his Service for one year ending the 19th day of *November* last, Also the further Sum of Eighteen pounds expended by him for Firewood. [*Passed January 10.*]

CHAPTER 168.

ORDER ALLOWING £3 ANNUALLY TO WILL^m THAYER.

Legislative
Records of the
Council, xxv.,
123.

House Jour-
nal, p. 182.
Ante, p. 57,
chap. 112.

THE FOLLOWING ORDER passed on the Petition of William Thayer for a further allowance viz^t

Read and

Ordered That the sum of Three pounds be annually paid to the Petitioner during the pleasure of this Court in consideration of his Sufferings mentioned, the Year to begin this day.

Ordered also That the first Years payment be now advanced to him. [*Passed January 11.*]

CHAPTER 169.

RESOLVE ALLOWING £12. 17 TO NAONI RICE, ETC

Legislative
Records of the
Council, xxv.,
125. House
Journal, p. 179.

House Jour-
nal, pp. 179, 185.

A PETITION of *Naoni Rice*, of *Middleborough*, Widow, shewing her Husband *Josiah Jones* was a Soldier in the Service of the Province in the Year 1762; That he died in *November* that Year: That some Months after a forg'd Order was presented to the Treasurer in favour of one *Timothy Gilbert*, which was dated after the said *Jones's* decease; she therefore prays Relief.

[Read and]

Resolved That the sum of Twelve pounds seventeen shillings be granted out of the Public Treasury to Thomas Gilbert Esq^r for the use of the Petitioner, it being the Sum paid by the Treasurer in favour of the forged Order in the Petition mentioned.

Resolved also That the Kings Attorney be directed to prosecute Timothy Gilbert or any other Person who hath been guilty of forging said Order. [*Passed January 12.*]

CHAPTER 170.

RESOLVE IN REGARD TO THE PETITION OF GAD LYMAN FOR LIBERTY TO PURCHASE LAND.

A PETITION of *Gad Lyman* of *Northampton*, praying Liberty to purchase a Tract of unappropriated Lands therein particularly described by a Plan, for a valuable Consideration.

In the House of Representatives

[Read and]

Resolved That the Tract of Land described in said Petition be sold to the highest bidder at public Auction in Boston on the second Wednesday of June next; public notice of such Sale being inserted in the Boston public News Papers, on condition that the Purchaser or Purchasers have eight Families settled therein, within five years from the time of Sale; and that they build Houses and make improvements thereon, as is enjoined the Settlers in the New Townships sold in that part of the Province in June 1762, and giving Bond for the proceeds of such Sale to the Province Treasurer in the same manner as was then ordered. And that Col^o Worthington and Cap^t Dwight of Northampton with such as the honorable Board shall join be a Committee to transact this affair and make report.

In Council Read and Concurred and Thomas Flucker Esq^r is joined in the Affair. [*Passed January 12.*]

Legislative
Records of the
Council, xxv.,
125. House
Journal, p. 177.

House Jour-
nal, pp. 177, 185,
186. *Ante*,
p. 242, chap. 50.

CHAPTER 171.

RESOLVE ALLOWING £5.6 TO SAM^L GRAY.

A PETITION of *Samuel Gray* of *Boston*, shewing, That his Apprentice *John Riddel* enlisted as a Soldier in the Pay of the Province, *Anno* 1762, and did not return home 'till the 24th of *February*, 1763: That the said Apprentice is made up three Months short of the Time he was in the Service, for which Time he prays an Allowance out of the Treasury.

[Read and]

Resolved That the sum of Five pounds six shillings be paid out of the Public Treasury to the Petitioner in full for the Wages due to him for the Service of his Apprentice John Riddle. [*Passed January 12.*]

Legislative
Records of the
Council, xxv.,
126. House
Journal, p. 159.

House Jour-
nal, pp. 159, 187.

CHAPTER 172.

ORDER ALLOWING 8/ TO JABEZ BOLTON.

Legislative
Records of the
Council, xxv.,
126. House
Journal, p. 178.

House Jour-
nal, pp. 178, 187,
188.

A PETITION of *Jabez Bolton* of *Hallifax*, in the County of *Plymouth*, a Soldier in the Service of the Province, Anno 1762, praying a Gratuity for his Sufferings mentioned.

[Read and]

Ordered That the sum of Eight shillings be paid out of the Public Treasury to Cap^t Ebenezer Sprout for the use of the Petitioner in full for the Loss of his Blanket mentioned. [*Passed January 12.*]

CHAPTER 173.

RESOLVE IMPOWERING JOSEPH BILLINGS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
126.

House Jour-
nal, p. 188.
Province
Laws, xvi., 241,
chap. 76, note.

THE FOLLOWING ORDER passed on the Petition of John Billing & Others [as Guardians of Puncapaug Indians to sell land] viz^t

Resolved That Joseph Billings of Stoughton, Guardian to the Punkapog Indians, be, and hereby is impowered to make Sale of the said Strip of Land for the most it will fetch, and make and execute a good deed of Conveyance thereof in the Law; and the money arising by said Sale to be by him improved for the use of said Indians, and the said Guardian to be accountable therefor to this Court. [*Passed January 12.*]

CHAPTER 174.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
126. House
Journal, p. 124.

House Jour-
nal, p. 189.

A PETITION of *Caleb Tinkham*, *Benjamin Spooner*, *Joseph Downing* and *David Sherman*, all of *Middleborough*, shewing, That in the Spring 1762, they enlisted into his Majesty's Service, and proceeded Eastward and did Duty at *Halifax* until *November* following; then were discharged, and embarked for *New-England*: That in about forty-eight Hours after the Vessel sprang a Leak, which obliged them to put into *Bermuda*, and from thence to *Maryland*, *Philadelphia* and *New-York*, and then came home: That they expended five Dollars each in their Passage, which was deducted out of their Wages, in making up the Muster-Roll. They therefore pray that the said Sum, (as has been usual in like Cases) may be reimbursed them.

[Read and]

Ordered That the sum of One pound fifteen shillings be paid out of the Public Treasury to James Williams Esq^r for the use of Caleb Tinkham. And the Sum of One pound fifteen shillings for the use of David Sherman in full. And the Sum of One pound fifteen shillings for the use of Benjamin Spooner in full. And the Sum of One

pound fifteen shillings for the use of Joseph Downing in full. And the Sum of One pound fifteen shillings for the use of Samuel Leonard in full. [*Passed January 14.*¹

CHAPTER 175.

RESOLVE DIRECTING THE PROVINCE TREASURER TO TAKE OATH AND GIVE BOND WITH SURETIES AND APPOINTING A COMMITTEE THEREON.

In the House of Representatives

Resolved That no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present year, shall be esteemed duly qualified to enter upon the execution of that Office, until he shall first have an Oath administered to him for his faithful performance of his said Office; and shall give Bond with sufficient Sureties, to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty thousand pounds lawful money to the three eldest Councillors in the Province for the time being, who are hereby appointed a Committee in behalf of the Province, and especially authorized for this purpose; which Bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law, and for his rendering an account when and so often as he shall be required by the General Court, of all such Sums of Money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office, or to any other person that may be appointed by the General Court to receive the same, all such Sum or Sums of money as upon such Settlement of his said Accounts, or otherwise shall be found due and payable from him to this Province; provided that the said Bond be put in Suit within two Years next after the date; otherwise to be void and of no Effect: And that Royall Tyler and Thomas Cushing Esq^{rs} with such as the honorable Board shall join be a Committee to judge of the Sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council Read and Concurred. and ² in the Affair. [*Passed January 18.*

Legislative
Records of the
Council, xxv.,
132.

House Jour-
nal, p. 200.
Infra, chap.
176.

CHAPTER 176.

VOTE CHOOSING HARRISON GRAY, ESQ^r, PROVINCE TREASURER.

PURSUANT to the Agreement of the two Houses, they proceeded to the choice of Civil Officers for the present Year, and first of a Treasurer and Receiver General for the Province, when Harrison Gray Esq^r was chosen by a Major Vote of the Council and House of Representatives. [*Passed January 18.*

Legislative
Records of the
Council, xxv.,
133.

House Jour-
nal, p. 201.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 13.

² The Council members of the committee do not appear.

CHAPTER 177.

VOTE CHOOSING THOMAS HUBBARD, ESQ^R, AS OFFICER FOR PURCHASING PROVISIONS FOR FORTS AND GARRISONS.

Legislative
Records of the
Council, xxv.,
133.
House Jour-
nal, p. 201.

PURSUANT to Agreement of the two Houses, they proceeded to the Choice of Civil Officers for the present Year, when Thomas Hubbard Esq^r was chosen the officer for purchasing Provisions &c^a for the several Forts and Garrisons by a major part of the Votes of the Council and House of Representatives. [*Passed January 18.*]

CHAPTER 178.

VOTE CHOOSING JAMES RUSSELL, ESQ^R, AS IMPOST OFFICER.

Legislative
Records of the
Council, xxv.,
133.
House Jour-
nal, p. 201.

PURSUANT to Agreement the two Houses proceeded to the Choice of Civil officers for the present year, when James Russell Esq^r was chosen Commissioner of Impost by a major part of the Council and House of Representatives. [*Passed January 18.*]

CHAPTER 179.

VOTE CHOOSING COLLECTORS OF EXCISE FOR ALL COUNTIES.

Legislative
Records of the
Council, xxv.,
133.
House Jour-
nal, pp. 201, 202.

PURSUANT to Agreement the two Houses proceeded to the choice of Civil Officers for the present Year when the undermentioned Persons were chosen Collectors of Excise on Spirituous Liquors &c^a for the several Counties as hereafter mentioned by a major Vote of the Council and House of Representatives.

County of Suffolk	M ^r Thomas Fletcher
Essex	M ^r Thomas Porter
Middlesex	M ^r John Remington
Hampshire	M ^r Lewis Bliss
Worcester	M ^r Levi Willard
Plymouth	Cap ^t Nathaniel Little
Barnstable	Nathaniel Stone Esq ^r
Bristol	M ^r Thomas Gilbert Jun ^r
York	M ^r David Sewall
Dukes County	M ^r James Allen jun
Nantucket	Obed Hussey Esq ^r
Cumberland	M ^r Theophilus Bradbury
Lincoln	M ^r Thomas Moulton
Berkshire	M ^r Elisha Jones Jun ^r

[*Passed January 18.*]

CHAPTER 180.

VOTE CHOOSING THOMAS GOLDTHWAIT, ESQ^R, AS TRUCKMASTER AT FORT POWNALL.

Legislative
Records of the
Council, xxv.,
133.
House Jour-
nal, p. 202.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil Officers for the present Year when Thomas Goldthwait Esq^r was chosen Truckmaster for Fort Pownall by a Major vote of the Council and House of Representatives. [*Passed January 18.*]

CHAPTER 181.

VOTE CHOOSING WILLIAM LITHGOW, ESQ^R, AS TRUCKMASTER AT FORT HALIFAX.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil Officers for the present Year, when William Lithgow Esq^r was chosen Truckmaster for Fort Halifax by a major Vote of the Council and House of Representatives. [*Passed January 18.*]

Legislative
Records of the
Council, xxv.,
133.

House Jour-
nal, p. 202.

CHAPTER 182.

VOTE CHOOSING PUBLIC NOTARIES.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present year when the undermentioned Persons were chosen Public Notaries by a major Vote of the Council and House of Representatives

Legislative
Records of the
Council, xxv.,
134.

House Jour-
nal, pp. 203, 204.

For the Port of Boston . . .	Ezekiel Goldthwait Esq ^r & M ^r Henry Alline jun ^r
Salem . . .	John Nutting Esq ^r
Marblehead . . .	John Chipman Esq ^r
Gloucester . . .	Daniel Witham Esq ^r
Newbury . . .	William Atkins Esq ^r
Plymouth . . .	Edward Winslow Esq ^r
Barnstable . . .	Solomon Otis Esq ^r
Bristol . . .	Thomas Gilbert & Elisha Tobey Esq ^{rs}
York . . .	Daniel Moulton Esq ^r
Kittery . . .	Charles Chauncy Esq ^r
Wells . . .	M ^r John Wheelwright
Falmouth . . .	Stephen Longfellow Esq ^r
Lincoln . . .	M ^r Thomas Moulton
Edgartown . . .	John Norton Esq ^r
Nantucket . . .	Obed Hussey Esq ^r

[*Passed January 18.*]

CHAPTER 183.

RESOLVE DESIRING THE GOVERNOR TO ORDER THE REMOVAL OF ALL THE FRENCH ACADIANS NOW IN BOSTON TO THE BARRACKS AT THE CASTLE.

GENTLEMEN of the House of representatives

I hereby lay before you a translation of a petition delivered to me by the Acadians called french Neutrals now residing in Boston. The Case of these people is truly deplorable: They have none of them had the small pox; & they depend upon their daily labour for their bread. If they dont go about the Town to work they must starve; if they do go about, they must contract the distemper; and as they are crowded in small apartments, & wanting the necessaries of Life, they wont have a common chance to escape perishing. I have in Council advised with the Select Men, who have consulted the Overseers of the poor: and they are of opinion that they have not a power to releive them. I am therefore obliged to apply to you to help to save these people: if you will furnish them with provisions I will order them into the barracks of the Castle: and as soon

Legislative
Records of the
Council, xxv.,
134. Mass.
Archives,
xxiv., 503.

Legislative
Records of the
Council, xxv.,
132. House
Journal,
pp. 199, 204.
Province
Laws, iv., 104,
105, notes;
xvi., 553, chap.
477.

as they have been there long enough to appear to be free from the distemper, they will get admission into other Towns & find work, which at present, it is apprehended, would be impracticable

Council chamber Jan 18 1764

FRA. BERNARD

Read and

Resolved that his Excellency be desired to order all the Acadians now residing in Boston to be removed to the Barracks at the Castle; and that they be there subsisted until the fifteenth day of February next and the charge thereof to be born as this Court shall hereafter Order. [*Passed January 19.*¹

CHAPTER 184.

RESOLVE ALLOWING £800 TO THE JUSTICES.

Legislative
Records of the
Council, xxv.,
136.

House Jour-
nal, p. 206.

Resolved That the sum of Eight hundred pounds be granted and paid out of the Public Treasury to the honorable Justices of the Superior Court of Judicature, Court of Assize and General Goal delivery for their Services for one Year ending the first day of January last. [*Passed January 19.*

CHAPTER 185.

RESOLVE ALLOWING £250 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
136.

House Jour-
nal, p. 206.

Resolved That the sum of Two hundred and fifty pounds be granted and allowed to be paid out of the Public Treasury to the Rev^d M^r Edward Holyoke President of Harvard College over and above the Rents of Massachusetts Hall for one year ending the tenth day of September next; to be paid Quarterly. [*Passed January 19.*

CHAPTER 186.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxv.,
136.

House Jour-
nal, p. 206.

Resolved that the sum of Fifty pounds be granted, and allowed to be paid out of the Public Treasury to the honorable Andrew Oliver Esq^r Secretary of this Province for his Services for one year ending the sixth day of December last. [*Passed January 19.*

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 18.

CHAPTER 187.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Resolved That the sum of Ninety pounds be granted and allowed to be paid out of the Public Treasury to the honorable Andrew Oliver Esq^r Secretary of this Province in consideration of his extraordinary Services to the 6th day of December last. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
136.

Executive
Records of the
Council, xv.,
231. House
Journal, p. 206.
Supra, chap.
186.

CHAPTER 188.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Resolved That there be granted and allowed to be paid out of the Public Treasury to the honorable Thomas Hubbard Esq^r Commissary General the sum of One hundred and fifty pounds for one Years Service ending the eleventh day of January last. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
136.

House Jour-
nal, p. 206.

CHAPTER 189.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Resolved That the sum of Two hundred sixty seven pounds be granted and allowed to be paid out of the Public Treasury to the honorable Harrison Gray Esq^r Treasurer and Receiver General of his majesty's Revenues of this Province for a years Service ending the twenty third day of December last. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, p. 206.

CHAPTER 190.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Representatives;

Resolved That there be granted and allowed to be paid out of the Public Treasury the Sum of four shillings per diem to the hon^{ble} Timothy Ruggles Esq^r Speaker of the House for every day of his Attendance in the General Court from the opening of the Session on the 25th day of may 1763 over and above his pay as a member of this House.

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, pp. 206, 207.

In Council Read and Concurred. [*Passed January 19.*]

CHAPTER 191.

RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, p. 207.

Resolved That there be granted and allowed to be paid out of the Public Treasury the Sum of Ninety pounds to Roland Cotton Esq^r Clerk of the House of Representatives for his Service during the several Sessions for the current Year. [*Passed January 19.*]

CHAPTER 192.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, p. 207.

Resolved That there be granted and allowed to be paid out of the Public Treasury to the Rev^d Doct^r Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College in Cambridge the Sum of One hundred pounds as a Gratuity, in consideration of his faithful discharge of the great and important Trust reposed in him and for his further Encouragement therein. [*Passed January 19.*]

CHAPTER 193.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, p. 207.

Resolved That there be granted and allowed to be paid out of the Public Treasury to John Winthrop Esq^r Hollisian Professor of Mathematics & Natural Philosophy at Harvard College in Cambridge the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him and for his further Encouragement therein. [*Passed January 19.*]

CHAPTER 194.

RESOLVE ALLOWING £40 TO THE HEBREW INSTRUCTOR AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
137.

House Jour-
nal, p. 207.

Resolved That there be granted and allowed to be paid out of the Public Treasury to M^r Stephen Sewall, Hebrew Instructor at Harvard College in Cambridge, the sum of Forty pounds as a Gratuity in consideration of his faithful discharge of that Trust reposed in him, and for his further Encouragement therein. [*Passed January 19.*]

CHAPTER 195.

RESOLVE ALLOWING £12 TO THE CHAPLAIN OF HOUSE AND COUNCIL.

Resolved That there be allowed and paid out of the Public Treasury the sum of Twelve pounds to the Rev^d Andrew Eliot, Chaplain to the honorable Board and the honorable House of Representatives the current Year. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
138.

House Jour-
nal, p. 207.

CHAPTER 196.

RESOLVE ALLOWING £50 TO THE LIEUT. AT CASTLE WILLIAM.

Resolved That there be allowed and paid out of the Public Treasury the Sum of Fifty pounds to John Phillips Esq^r Lieutenant of his majesty's Garrison at Castle William in consideration of his faithful discharge of that Trust. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
138.

House Jour-
nal, p. 208.

CHAPTER 197.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Resolved That there be allowed and paid out of the Public Treasury the Sum of Forty pounds to M^r Nathan Davies, Chaplain at his majesty's Castle William for one year in consideration of his faithful discharge of that Trust. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
138.

House Jour-
nal, p. 208.

CHAPTER 198.

RESOLVE ALLOWING £60 AND £60 ADDITIONAL TO THE DOORKEEPER.

Resolved That there be allowed and paid out of the Public Treasury the Sum of Sixty pounds to M^r William Baker, Doorkeeper to his Excellency the Governor and this Court for his Service for one year to be paid Quarterly; Also the further sum of Sixty pounds in consideration of his expence in hiring Assistance, and extraordinary care and trouble as Doorkeeper, and on Account of the Scarcity of the necessaries of Life. [*Passed January 19.*]

Legislative
Records of the
Council, xxv.,
138.

House Jour-
nal, p. 208.

CHAPTER 199.

RESOLVE AUGMENTING THE GARRISON AT FORT POWNALL AND ESTABLISHING THE WAGES THEREFOR.

Resolved That the Garrison of Fort Pownall be augmented; and that it now Consist of One Captain, one Lieutenant, one Gunner, one Armourer, a Chaplain, an Interpreter, two Sergeants and thirty two Privates upon the following Establishment viz^t

Legislative
Records of the
Council, xxv.,
138.

House Jour-
nal, pp. 208, 209.

Captain at Four pounds ten shillings		per month
Lieutenant at Three pounds ten shillings		ditto
Gunner at Three pounds		ditto
Armourer at Two pounds ten shillings		ditto
Chaplain at Four pounds		ditto
Interpreter at Three pounds		ditto
Sergeant at One pound ten shilling		ditto each
Privates at One pound four shillings		ditto each

This Establishment to be in force for one Year and no longer.
[*Passed January 19.*]

CHAPTER 200.

ORDER DIRECTING THE PAYMENT TO BENJ^A PIPER OF HIS WAGES AS BORNE ON THE MUSTER ROLL.

Legislative
Records of the
Council, xxv.,
139.

House Jour-
nal, p. 210.

THE FOLLOWING ORDER passed on the Petition of Benjamin Piper [for payment of wages on muster roll] viz^t

Ordered That there be paid out of the Public Treasury to Charles Prescott Esq^r for the use of Benjamin Piper, the Petitioner, the same Sum that is carried out against his name in the Roll, on which he is borne. [*Passed January 20.*]

CHAPTER 201.

ORDER ALLOWING BILLETING MONEY TO SOLDIERS WHO WENT TO NOVA SCOTIA IN 1760.

Legislative
Records of the
Council, xxv.,
140. House
Journal, p. 189.

House Jour-
nal, pp. 189, 211.

A PETITION of Lient. Col. *Job Winslow*, in behalf of eighteen Soldiers who went to *Nova-Scotia*, Anno 1760, praying they may receive satisfaction for Billeting Money, from the Time of their inlistment, till they drew his Majesty's Provisions, &c.

[*Read and*]

Ordered That there be paid out of the Public Treasury to the Petitioner the Sums set against the Names of the eighteen Soldiers therein mentioned in the Roll, for their use in full. [*Passed January 20.*]

CHAPTER 202.

RESOLVE ALLOWING £100 AND A FURTHER SUM OF £70 TO JOHN COTTON, DEPUTY SECRETARY.

Legislative
Records of the
Council, xxv.,
141. House
Journal, p. 208.

House Jour-
nal, p. 212.

A PETITION of Mr *John Cotton*, Deputy-Secretary, praying for a proper Allowance for his Services in that Station.

[*Read and*]

Resolved That the sum of One hundred pounds be paid out of the Public Treasury to the Petitioner for one Years service as Deputy Secretary ending the first day of December last: and the further Sum of Seventy pounds for his faithful and extraordinary Services during the said term. [*Passed January 20.*]

CHAPTER 203.

ORDER ALLOWING £5 TO BENJ^A LELAND.

A PETITION of *Benjamin Leland*, representing the Sufferings of his Son *Levi*, and the Charge he incurr'd in getting his Son home, and praying an Allowance therefor.

[Read and]

Ordered That the Sum of Five pounds be paid out of the Public Treasury to John Chandler Esq^r for the use of the Petitioner in full. [*Passed January 20.*]

Legislative
Records of the
Council, xxv.,
141. House
Journal, p. 146.
House Jour-
nal, p. 212.

CHAPTER 204.

ORDER ALLOWING £3,000 TO THE TOWN OF BOSTON.

THE FOLLOWING ORDER passed on the Petition of a Committee of the Town of Boston relative to their Taxes viz^t

Ordered That the sum of Three thousand pounds be granted and allowed to be paid out of the Public Treasury to the Treasurer of the Town of Boston for the use of said Town, which with what has been advanced is in full consideration for the Sums of money which they have overpaid in the public Taxes for years past. [*Passed January 20.*]

Legislative
Records of the
Council, xxv.,
141.
Mass.
Archives,
lxxxvii., 366.
House Jour-
nal, pp. 212, 213.

CHAPTER 205.

RESOLVE FOR PREVENT^G THE SMALL POX IN SALEM.

Resolved for preventing the Small Pox being carried into the Town of Salem, that the Selectmen of said Town be, and they hereby are empowered to erect Fences across the Highways leading into said Town in such places as they may think convenient and necessary for the purpose aforesaid, and continue the same until the first day of June next. And that the Justices of the Peace in said Salem and the Selectmen of that Town be, and they hereby are empowered at the Charge of the Town to set up and keep suitable Watches at the places where said Fences may be erected until the said first day of June: And that the said Watches be, and hereby are empowered to examine all such Persons as shall attempt to go into said Town of Salem, from whence they came, and the Occasion of their going into the Town; and to prevent all persons, Goods and Chattles going, or being carried into the Town of Salem, if said Watch shall judge there is danger of the small pox being carried into said Town hereby. [*Passed January 21.*]

Legislative
Records of the
Council, xxv.,
142.
Legislative
Records of the
Council, xxv.,
139. House
Journal, p. 213.
Province
Laws, iv., 728,
chap. 12; 786,
note.

CHAPTER 206.

ORDER ALLOWING £60 TO L^t COL^o JOB WINSLOW.

Legislative
Records of the
Council, xxv.,
142.

House Jour-
nal, p. 214.

THE FOLLOWING ORDER passed on the Petition¹ of Lieu^t Col^o Job Winslow viz^t

Ordered That the Sum of Sixty pounds be granted and allowed to be paid out of the Public Treasury in full consideration for his Suffering mentioned. [*Passed January 21.*]

CHAPTER 207.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £1. 8. 8 TO JOHN JONES, ESQ^e.

Legislative
Records of the
Council, xxv.,
142.

Legislative
Records of the
Council, xxv.,
41. House
Journal,
pp. 185, 214.

A PETITION of John Jones Esq^r Setting forth, That he has sundry old Bills in his hands, which he prays the Treasurer may be directed to exchange for the reasons mentioned.

[Read and]

Ordered That the Treasurer be directed to receive the Bills mentioned, amounting to Ten pounds fifteen shillings old tenor, and that upon the receipt thereof he pay to the said Jones the sum of One pound eight shillings and eight pence in full consideration therefor; and that at the next Meeting of a Committee of this Court appointed to take an account of and reduce to Ashes the Government Securites redeemed by him, he deliver these Bills to them, in order to their being in like manner reduced, which they are hereby directed to do. [*Passed January 21.*]

CHAPTER 208.

ORDER ALLOWING £6. 13. 2 TO PHILIP EMERSON.

Legislative
Records of the
Council, xxv.,
142. House
Journal, p. 178.

House Jour-
nal, p. 214.

A PETITION of *Phillip Emerson of Haverhill*, a Soldier in the Service of the Province the last Winter, shewing, That an unknown Person has forged an Order and drawn his Wages out of the Treasury: He therefore prays he may be allowed his Wages, the forged Order notwithstanding.

[Read and]

Ordered That the Sum of Six pounds thirteen shillings and two pence be paid out of the Public Treasury to Richard Saltonstall Esq^r for the use of the Petitioner in full for his Wages in the Petition mentioned. [*Passed January 21.*]

¹ No petition found.

CHAPTER 209.

RESOLVE ALLOWING £60 TO THE SECRETARY.

A MEMORIAL of *Andrew Oliver*, Esq; Secretary of the Province, representing his extraordinary Services in the Year past, and praying a further Allowance for the same.

[Read and]

Resolved That the Sum of Sixty pounds be granted and paid out of the Public Treasury to the Memorialist in consideration of his extraordinary Services for the Year past, for which no Allowance has been made him. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
144. House
Journal, p. 215.

Executive
Records of the
Council, xv.,
294. House
Journal, p. 220.

CHAPTER 210.

RESOLVE ALLOWING £233 TO THE PROVINCE TREASURER.

A MEMORIAL of *Harrison Gray*, Esq; Treasurer of the Province, representing his extraordinary Services, and praying a proper Allowance therefor.

[Read and]

Resolved That the Sum of Two hundred thirty three pounds be granted, and paid out of the Treasury to the Memorialist, in consideration of his extraordinary Services for the year past, for which no Allowance has been made him. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
145. House
Journal, p. 215.

House Jour-
nal, p. 221.
Ante, p. 457,
chap. 189.

CHAPTER 211

RESOLVE IMPOWERING SUBMIT KEYS [ADM^x], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

THE FOLLOWING ORDER passed on the Petition of Submit Keys [for the sale of land for her support]

Resolved That the Prayer thereof be granted, and that the Petitioner in her said capacity is hereby empowered to make Sale of the Real Estate therein mentioned for the most the same will fetch; and to make and execute a good deed or deeds thereof, She observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient Security to the Judge of Probate for the County of Worcester, that she will duly account for the proceeds thereof; reserving the Income of one third of the proceeds of the said Sale, for the Support of the said Submit, during her natural Life, And the principal after her decease shall be disposed of according to Law. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
145.

House Jour-
nal, pp. 216, 217.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 212.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN SUFFOLK COUNTY.

Legislative
Records of the
Council, xxv.,
145.

House Jour-
nal, p. 221.

In the House of Representatives
Voted That Royall Tyler and Thomas Cushing Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware for the County of Suffolk the current Year.

In Council Read and Concurred and Thomas Flucker Esq^r is joined in the Affair. [*Passed January 23.*]

CHAPTER 213.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxv.,
146.

House Jour-
nal, p. 221.

In the House of Representatives
Voted That Samuel Phillips Esq^r and M^r Henry Herrick with such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China ware for the County of Essex the current Year.

In Council Read and Concurred and Nathaniel Ropes Esq^r is joined in the Affair. [*Passed January 23.*]

CHAPTER 214.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxv.,
146.

House Jour-
nal, p. 221.

In the House of Representatives
Voted That Stephen Hall Esq^r and Cap^t Samuel Henley with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Middlesex the current Year.

In Council Read and Concurred and James Russell Esq^r is joined in the Affair. [*Passed January 23.*]

CHAPTER 215.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxv.,
146.

House Jour-
nal, p. 222.

In the House of Representatives
Voted That Josiah Dwight and Timothy Dwight jun^r Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Hampshire the current Year. In Council Read and Concurred and Israel Williams Esq^r is joined in the Affair. [*Passed January 23.*]

CHAPTER 216.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives

Voted That Thomas Foster and Thomas Clapp Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea Coffee and China Ware for the County of Plymouth the current Year. In Council Read and Concurred and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
146.House Jour-
nal, p. 222.

CHAPTER 217.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BARNSTABLE COUNTY.

In the House of Representatives

Voted That M^r Cornelius Crocker and M^r Chillingworth Foster jun^r with such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Barnstable the current Year. In Council Read and Concurred and James Otis Esq^r is joined in the Affair. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
146.House Jour-
nal, p. 222.

CHAPTER 218.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN YORK COUNTY.

In the House of Representatives

Voted That Thomas Bragdon and Benjamin Chadburn Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of York the current Year. In Council Read and Concurred and John Bradbury Esq^r is joined in the Affair. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
147.House Jour-
nal, p. 222.

CHAPTER 219.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN THE COUNTY OF DUKES COUNTY.

In the House of Representatives,

Voted That John Norton and Jon^s Allen Esq^{rs} with Such as the honorable Board shall join, be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Dukes County the current Year.

In Council Read and Concurred and Mathew Mayhew Esq^r is joined in the Affair. [*Passed January 23.*]

Legislative
Records of the
Council, xxv.,
147.House Jour-
nal, p. 222.

CHAPTER 220.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN NANTUCKET COUNTY.

Legislative
Records of the
Council, xxv.,
147.
House Jour-
nal, p. 223.

In the House of Representatives
Voted That Abishai Folger and Obed Hussey Esq^{rs} with such as
the honorable Board shall join be a Committee to farm out the Ex-
cise on Tea, Coffee and China Ware for the County of Nantucket
the current Year.

In Council Read and Concurred, and Major Coffin is joined in
the Affair. [*Passed January 23.*]

CHAPTER 221.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN CUMBERLAND COUNTY.

Legislative
Records of the
Council, xxv.,
147.
House Jour-
nal, p. 223.

In the House of Representatives
Voted That Jeremiah Powell and Francis Waldo Esq^{rs} with Such
as the honorable Board shall join be a Committee to farm out the
Excise on Tea, Coffee and China Ware for the County of Cumber-
land the current Year.

In Council Read and Concurred and Samuel Waldo Esq^r is joined
in the Affair. [*Passed January 23.*]

CHAPTER 222.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BERKSHIRE COUNTY.

Legislative
Records of the
Council, xxv.,
147.
House Jour-
nal, p. 223.

In the House of Representatives
Voted That John Ashley Esq^r and M^r Timothy Ashley with such
as the honorable Board shall join be a Committee to farm out the
Excise on Tea, Coffee and China Ware for the County of Berkshire
the current Year.

In Council Read and Concurred and Joseph Dwight Esq^r is joined
in the Affair. [*Passed January 23.*]

CHAPTER 223.

RESOLVE GRANTING TO HENRY YOUNG BROWN LIBERTY TO LAY OUT
A TOWNSHIP.

Legislative
Records of the
Council, xxv.,
200.

Legislative
Records of the
Council, xxv.,
88. House
Journal, pp. 37,

THE PETITION of Henry Young Brown Humbly shews, That as
there are a Quantity of unappropriated Lands upon Saco River
above Col^o Fry's purchase belonging to this Province, and your
memorialist being desirous of purchasing a Township there in
order for immediate Settlement, humbly begs he may be allowed
that liberty.

[Read and]

109, 111. *Ante*,
p. 175, chap.
404.

Resolved That the Prayer of the Petition be so far Granted as that the Petitioner have liberty to lay out a Township of the contents of Six miles Square in some place on each or either side of Saco River above Col^o Joseph Fries Township where it may not Interfere with any former Grant, and that he return a Plan of the same in Six months after the first day of June next, if the general Court be then Sitting, or at the first time of their Sitting after to have it Confirmed, And that he also do give Bond with Sufficient Security to the Province Treasurer or to his Successor to Settle the same with Sixty good Families, each of which in the Term of five Years from the Grant, to have built a good house of Twenty feet by Eighteen, and Seven feet Stud, and have Cleared for Pasturage or Tillage, Seven Acres each, and that they also out of the premises Grant one Sixty fourth part to the first Protestant Minister duly Settled there, one Sixty fourth part for the use of the Ministry forever two Sixty four parts for the use of Harvard College, and one sixty fourth part for the use of the School forever within the said Town: and further that the said Henry Young Brown give Bond with Sufficient Security to the Treasurer to pay to him or his Successor for the use of the Province two hundred pounds Lawful money within Twelve months from the date of the Confirmation of the Grant. And that the said Town shall within Ten years have a Protestant minister Settled among them. [*Passed January 23.*]

CHAPTER 224.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN WORCESTER COUNTY.

In y^e house of Represent^s

Voted that John Chandler, & Artemas Ward Esq^{rs} wth such as y^e hon^{ble} Board shall join be a Comm^e to farm out y^e Excise on Tea, Coffee, & China Ware, for y^e County of Worcester, the current year

Legislative
Records of the
Council, xxv.,
146. Mass.
Archives, cxx.,
465.

In Council Read & Concur^d & Tim^o Paine Esq^r is joined in y^e Affair. [*Passed January 24.*¹]

House Jour-
nal, p. 222.

CHAPTER 225.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINAWARE IN BRISTOL COUNTY.

In the House of Represent^{ves}

Voted, That James Williams and Thomas Morey Esq^r with such as the honorable Board shall join, be a Committee to farm out the Excise on Tea, Coffee and China-Ware, for the County of Bristol, the current Year.

Legislative
Records of the
Council, xxv.,
147. Mass.
Archives, cxx.,
441.

In Council Read & Concurred & George Leonard Esq^r is joined in the affair. [*Passed January 24.*¹]

House Jour-
nal, p. 222.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 23.

CHAPTER 226.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN LINCOLN COUNTY.

Legislative
Records of the
Council, xxv.,
147. Mass.
Archives, cxx.,
442.

House Jour-
nal, p. 223.

In the House of Repres^{ves}
Voted, That William Cushing Esq^r and M^r Jonathan Bowman,
with such as the honorable Board shall join, be a Committee to
farm out the Excise on Tea, Coffee and China Ware, for the County
of Lincoln, the current Year.

In Council Read & Concurred and Samuel Dènnie Esq is joined
in the Affair. [*Passed January 24.*¹

CHAPTER 227.

ORDER ALLOWING £14 TO JOSHUA BOWLES AND BENJAMIN LUCKIS.

Legislative
Records of the
Council, xxv.,
148. Mass.
Archives
lxxx., 405.

Mass.
Archives,
lxxx., 404.
House Jour-
nal, pp. 137, 224.

A PETITION of Bowles and Luckis of Boston, Praying an Allow-
ance for transporting Soldiers from Boston to Castle William from
9th July to 27 November 1762.

Read and

Ordered that the Sum of fourteen pounds be granted and paid
out of the publick Treasury to the Petitioners in full consideration
for their Services within mentioned. [*Passed January 24.*

CHAPTER 228.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON CLAIMS TO
PROVINCE LAND IN MAINE.

Legislative
Records of the
Council, xxv.,
151. Mass.
Archives,
xlvi., 466.

House Jour-
nal, pp. 110, 230,
231. *Ante*,
p. 429, chap.
113.

THE COM^{tee} Appoynted to Examin Into the Severall Claims of
Land in the Province of Main, So as to asurtain the unappro-
priated Land Lying there, have attended that Service and Begg
Leave, So far to Report that they have Notified the Claimers and
find that a Number of Grants made to Private Parsons² Cannot be
assurtaind by Reason of there Plans Being Burnt in the former
Court house (as they Informe) therefore the Com^{tee} are Humbly
off opinion, that an order of this Court be Issued, that all Parsons²
Claiming Private Grants and others, made by the Gen^l assembly
of this Province, Lay out there Grants of Land again & Return
Platts to this Court as Soon as may be, for this Courts approbation
of the Same, that they may be Layd Down on the Plan here unto
annext. Which Contains the Whole Province of main, & the Sev-
erall Countys there in With the Severall Towns & Rivers Taken
from Sundrey Servayes

All Which is most Humbly Submitted

JOHN BRADBURY p^r Order

Read and Accepted: And

Ordered That a Notification issue in the several Boston News

¹ This date is according to Mass. Archives; according to Legislative Records of the
Council the date is January 23.

² *Sic.*

papers directing all persons claiming Lands in the late Province of Maine & without the Bounds of any Town by vertue of any Grant or Title whatsoever return the particular Bounds of such Claims into the Secretarys Office on or before the first day of June next, in order to be delineated on a plan of the said Province which the Committee are directed to prepare a new (the Plan mentioned in their Report being burnt with divers other papers of the Court this Morning) and that they lay the said Plan before the Court at their next May Session. [*Passed January 26.*]

CHAPTER 229.

RESOLVES IN REGARD TO PAYMENTS OF SUNDRY GRANTS AND ALLOWANCES AND THAT RECORDS OF THE GENERAL COURT BE MADE FROM THE HOUSE JOURNAL.

WHEREAS the Files of the General Court, and the Minutes of Council for the present Session are consumed by Fire.

Resolved That there be allowed to be paid out of the Public Treasury all such Grants and Allowances as shall appear upon the Journal of the House of Representatives to have been made by them before the 25th Instant, and which [shall]¹ not appear to have been nonconcurrent by the Board, or refused by the Governor, and for which Warrants have not been already issued.

Resolved also that the Records of the General Court for the time aforesaid be made from the said Journal, and laid before the General Court at the next May Session for their correction or Approbation. [*Passed January 26.*]

Legislative
Records of the
Council, xxv.,
152.

Mass.
Archives,
lxxxviii., 416.
Legislative
Records of the
Council, xxv.,
216. House
Journal,
pp. 227, 228.

CHAPTER 230.

RESOLVE THAT HARVARD COLLEGE BE REBUILT AT THE CHARGE OF THE PROVINCE.

GENTLEMEN of The House of Representatives

I heartily condole with you on the unfortunate accident which has happened to the College & We have been the melancholy Spectators of. As your Bounty has just now been so largely extended to that Society, I should not so soon ask you to repeat it upon any common occasion. But as this extraordinary Event has come whilst the Building was in your immediate occupation there seems to be an Obligation, that you should replace it. However whether It is considered as a Duty or a fresh call for your benevolence, I shall be glad to join with you & the Council in proper measures to retrieve this loss.

FRA. BERNARD

Cambridge Jan 26. 1764

Read and

Resolved unanimously that the College be rebuilt at the Charge of the Province. [*Passed January 26.*]

Legislative
Records of the
Council, xxv.,
153. Mass.
Archives,
lviii., 491.

House Jour-
nal, pp. 228, 229.
Ante, p. 442,
chap. 149.
Infra, chap.
231.

¹ Inserted from Mass. Archives, lxxxviii., 416.

CHAPTER 231.

RESOLVES APPOINTING A COMMITTEE TO REBUILD HARVARD COLLEGE AND GRANTING THEM £2,000 THEREFORE, AND DIRECTING THE PURCHASE OF A WATER ENGINE.

Legislative
Records of the
Council, xxv.,
153. Mass.
Archives,
lviii., 492.

House Jour-
nal, p. 229.
Supra, chap.
230.

In the House of Rep^{ves}
Resolved that M^r Tyler M^r Otis M^r Cushing M^r Boardman and M^r Trowbridge with such as the Hon^{ble} Board shall Joyn be a Comm^{ee} to begin and carry on the work of rebuilding the College and that the Sum of two thousand pounds be now granted them out of the publick Treasury for that purpose

In Council

Read and Concurred and Sam^l Danforth, Will^m Brattle James Bowdoin, Tho^s Hubbard & James Russell Esq^{rs} are joined in the Affair

Resolved that the Comm^{ee} abovenamed procure a Water Engine for the Use of the College not exceeding one hundred pounds. [*Passed January 26.*]

CHAPTER 232.

RESOLVE REMITTING £50.16.1 TAXES TO THE TOWN OF LINCOLN AND LAYING THE SAME TO THE TOWN OF LEXINGTON.

Legislative
Records of the
Council, xxv.,
153.

House Jour-
nal, pp. 14, 231,
232. Province
Laws, iv., 782,
note.

ON A COMPLAINT of a Committee of the Town of Lincoln relative to their Taxes, the following Resolve passed viz^t

It appearing that there was a Mistake made in carrying off the proportion to a Thousand pounds which that part of Lexington paid to the Province Tax, that was taken from them and added to Lincoln when it was first incorporated into a Town; they being then set at 7/4½ to the £1,000 tho^t their just proportion was no more than 5/3. So that it appears that the Town of Lincoln paid 2/1½ to the £1,000 that Lexington ought to have paid, from the time of said Lincolns Incorporation to the year 1760 inclusive, which in the whole amounts to £50.16.1 which Sum

Resolved that it be remitted to the Town of Lincoln, and laid upon the Town of Lexington in their next Province Tax. [*Passed January 26.*]

CHAPTER 233.

RESOLVE ALLOWING £300 LOAN TO THE TOWN OF SWANZEY.

Legislative
Records of the
Council, xxv.,
154. Mass.
Archives,
cxviii., 13.

House Jour-
nal, p. 232.
Province
Laws, iv., 783,
note.

WHEREAS many of the Inhabitants of the Town of Swanzezy have lately suffered greatly by the Small Pox;

Resolved, That the Sum of Three Hundred Pounds be advanced and paid out of the publick Treasury to Jerathmeel Bowers Esq^r for the Use of that Town, to be applied by the Select-men thereof, for the Use of the Sufferers there, as the Town shall direct; and that the said Sum of Three Hundred Pounds, be repaid by the Town of Swanzezy in the manner following, namely, That the Sum of Fifty Pounds be added to that Town's Proportion of the Province Tax

next year and Yearly, until the Three Hundred Pounds aforesaid shall be by that Town repaid into the Province Treasury. [*Passed January 26.*]

CHAPTER 234.

ORDER ALLOWING £200 TO BRIGADIER GENERAL W^M BRATTLE, ESQ^R.

A PETITION of William Brattle Esq^r Setting forth That during the Administration of the late Governor Pownall, He was desired by his Excellency to act in the quality of Secretary at War, the business whereof was very great, especially one Year when 7,000 men were raised, and partly by Impress; which business took up the greater part of his time and attention, for which he hath as yet received nothing And praying an Allowance.

Read and

Ordered that the Sum of two hundred pounds be granted and paid out of the publick Treasury to the Petitioner in full consideration for his Services within mentioned. [*Passed January 26.*]

Legislative
Records of the
Council, xxv.,
154. Mass.
Archives,
lxxx., 329.

Mass.
Archives,
lxxx., 328.
House Jour-
nal, pp. 86, 99,
232.

CHAPTER 235.

RESOLVE GRANTING THE POTASH FARM (SO CALLED) TO THE HON. TIMOTHY RUGGLES.

Resolved that the Tract of Land belonging to this Province Called the Potash farm Lying in Princetown District in the County of Worcester Bounded as followeth, (Vz) Easterly on Lancaster and Leominster, begining at the South East Corner. being a Corner of a farm Called Britmans farm at a Heap of Stones. thence East 10 Degrees north 20 Rods to a great Rock in the Brook. Thence vp Said Brook one Hundred and thirty Rods to a Birch Tree on the Bank of the Brook. Thence North 19 Degrees West 274 Rods to a Heap of Stones Called the Squas Cap, thence North 33 Degrees East 280 Rods to a Heap of Stones, thence West 34 Degrees North 360 Rods to a pine Tree thence West 9 Degrees North 31 Rods to a Heap of Stones. at the Line of a farm Laid out to the Heirs of the Rev^d m^r Joseph Willard, thence South 5 Degrees East 69 Rods to a Heap of Stones, a Corner of Said farm, thence West five Degrees South 170 Rods to a Heap of Stones, Being the South West Corner of Said farm, thence West 7 Degrees North 52 Rods to a Heap of Stones, thence South 27 Degrees East 102 Rods to a Chcsnut Tree Being a Corner of a farm Laid out to Cap^t Joseph Stevens, thence South by Said farm 170 Rods to a Heap of Stones, at Meahews farm (So Called) thence South 56 Degrees East by Said Meahews farm 330 Rods to a Black oak Tree, thence South 34 Degrees West 94 Rods to a Heap of Stones, thence Eastwardly 4 Rods to a Heap of Stones, thence South 34 Degrees West 322 Rods to a Heap of Stones upon the Line of Watertown farm, thence East 3 Degrees North 350 Rods to the Corner first mentioned be and is Hereby granted to the Hon^{ble} Timothy Ruggles Esqr, his Heirs and assigns for Euer, in Testimony of the greatfull sence this Court has of the Important Services the grantee Rendered his Country Dureing the

Legislative
Records of the
Council, xxv.,
201. Mass.
Archives,
xlvi., 468.
House Jour-
nal, pp. 229, 230.
Province
Laws, xvi., 636,
chap. 153.
Ante, p. 205,
chap. 468.

Late War More particularly while Commander in Chief of the Troops of this Province furnished for the Reduction of Canada Provided that the grantee or his Heirs pay their Proportion of a Tax of Two pence ^p^r acre for Three years, Laid by the generall Court at their sessions in Jan^{ry} 1760, vpon all the vnimproued Lands in the District of Princetown. [*Passed January 26.*]

CHAPTER 236.

RESOLVE ALLOWING 54/ EACH TO ALEXANDER GRANT, REUBEN JONES AND CHADBURN WARREN.

Legislative
Records of the
Council, xxv.,
156. Mass.
Archives,
lxxx., 455.

House Jour-
nal, pp. 234, 235.

A PETITION of Benjamin Chadbourn Esq^r Praying an Allowance to Alexander Grant, Reuben Jones and Chadbourn Warren all of Berwick, who served as Soldiers in the pay of the Province under Cap^t Johnson Moulton in the Year 1761, who were made up six weeks short of their time of Service in the said Captains muster Roll.

[Read and]

Resolved That there be paid out of the Publick Treasury to Alexander Grant, Ruben Jones & Chadburn Warren fifty four Shillings Each, for the time that they were made up Short in Cap^t Moulton^s muster-Roll, the Same to be paid unto Benj^a Chadburn Esq^r for their use. [*Passed January 27.*]

CHAPTER 237.

ORDER ALLOWING £150 TO THO^s HUBBARD, ESQ^E.

Legislative
Records of the
Council, xxv.,
156. Mass.
Archives,
lxxx., 456.

House Jour-
nal, pp. 215, 234.
Ante, p. 457,
chap. 188.

A PETITION of Thomas Hubbard Esq^r Commissary General, Praying an Allowance for his extraordinary Service, and Expençe in procuring Help and Assistance in his office.

Read and

Ordered that the sum of One hundred and fifty pounds be granted and paid out of the publick Treasury to the Memorialist in full consideration for his extraordinary Services in the Year past. [*Passed January 27.*]

CHAPTER 238.

ORDER ALLOWING £10 TO JN^o COTTON.

Legislative
Records of the
Council, xxv.,
156. Mass.
Archives, l.,
187.

House Jour-
nal, p. 235.
Ante, p. 325,
chap. 230;
p. 460, chap.
202.

A PETITION of John Cotton, Deputy Secretary, Praying that his Allowance for the Year past may be made equal to the Allowance granted him the Year before, his Services being the same, and the prices of the Necessaries of Life being increased.

Read and

Ordered that the Sum of ten pounds be granted and paid out of the publick Treasury to the Pet^r for his Services mentioned. [*Passed January 27.*]

CHAPTER 239.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF MESS^{RS}
CUTLER & GREENLEAF IN REGARD TO AN AWARD.

A PETITION of Jonas Cutler and Stephen Greenleaf late Sutlers at Halifax representing their difficulties in making up their Accounts with David Wyer, occasioned by a mistake of the Referrees to whom the same was submitted. And Praying Relief.

The Committee appointed the 24th Instant on the Petition of Jonas Cutler and Stephen Greenleaf, reported, That they had attended the Service, and heard the Parties and Arbitrators, who both acknowledged that there was a material mistake made in the Award; Whereupon the Committee were of opinion that the same be declared void, and of no Effect.

Signed N. SPARHAWK by Order

Read and Accepted. And

Ordered That the Award referred to in this Report be, and hereby is declared void and of no Effect to all Intents and Purposes. [*Passed January 27.*]

Legislative
Records of the
Council, xxv.,
120, 156.

Legislative
Records of the
Council, xxv.,
148. House
Journal,
pp. 160, 170, 172,
225, 237.

CHAPTER 240.

VOTE CHOOSING THOMAS HUTCHINSON TO JOIN THE AGENT IN GREAT
BRITAIN.

THE TWO HOUSES proceeded according to Agreement to the choice of an Agent by joint ballot, to be sent from this Province to join M^r Agent Mauduit in transacting the Affairs of this Government that are or may be depending at the Court of Great Britain: Upon counting and sorting the Votes it appeared That the hon^{le} Thomas Hutchinson Esq was chosen by a great Majority. [*Passed January 27.*]

Legislative
Records of the
Council, xxv.,
157. Mass.
Archives,
xxii., 345.

House Jour-
nal, pp. 231, 232,
233, 236.

CHAPTER 241.

ORDER ALLOWING £15 TO CAPTAIN WILLIAM ANGIER.

A PETITION of William Angier a Captain in the Pay of the Province in Col^o Fryes Regiment posted at Fort Cumberland in Nova Scotia Setting forth That in endeavouring to prevent the Desertion of his men when the time for which they enlisted was expired, pursuant to the Orders of his Col^o who apprehended the Fort in danger; he was obliged to use force with one Elisha Jackson and striking at the said Jackson with his Sword He in endeavouring to ward off the Blow had some of his Fingers cut. That the said Jackson soon after his return sued the Petitioner, and recovered of him (altho' all the Judges gave their opinion to the Jury in his favour) Six pounds lawful money and his Costs, the whole amounting to Fifteen pounds. And Praying an Allowance.

Read and

Ordered that the Sum of fifteen pounds be paid out of the publick Treasury to the Pet^r in full consideration for his Sufferings mentioned. [*Passed January 27.*]

Legislative
Records of the
Council, xxv.,
157. Mass.
Archives,
lxxx., 397.

Mass.
Archives,
lxxx., 395.
House Jour-
nal, pp. 234, 237.

CHAPTER 242.

ORDER IMPOWERING JUDAH NASH, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
158.

House Jour-
nal, p. 234.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Judah Nash of Montague in the County of Hampshire, Administrator of the Estate of Timothy Nash late of Ellington in the County of Hartford in the Colony of Connecticut deceased Setting forth That the deceaseds debts exceed his personal Estate Thirty four pounds ten shillings. That he hath left some real Estate, consisting of One hundred Acres of Wild Land lying in said Montague being of the value of Thirty six or Thirty seven pounds. And Praying that he may be empowered to Sell the same in order to pay the said debts and the Charges that may arise.

[Read and]

Ordered That the Prayer of the Petition be granted; and that the Petitioner be, and he is hereby Authorized and empowered in his said capacity to make Sale of the Land in said Petition mentioned for the most it will fetch, and to give and execute a good deed or deeds of conveyance for the same, he attending the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving due caution to the Judge of Probate for the County of Hampshire that the proceeds of such Sale shall be applied (so far as is necessary) for discharging the just debts of the deceased, and the necessary charges of the Sale, that the Remainder, if any there be, shall be distributed to and among the heirs of the said deceased or their legal Representatives. [*Passed January 27.*]

CHAPTER 243.

RESOLVE CONFIRMING THE GRANT OF THE SIX TOWNSHIPS EAST OF THE PENOBSCOT RIVER.

Legislative
Records of the
Council, xxv.,
158. Mass.
Archives,
cxviii., 20.

Mass.
Archives,
cxviii., 20.
House Jour-
nal, pp. 214, 237.
Ante, p. 289,
chap. 146;
p. 366, chap.
322.

WHEREAS their late Majesties King WILLIAM and QUEEN MARY, by their Letters Patent, bearing Date the seventh Day of October, in the third Year of their Reign, did Give and Grant unto the Inhabitants of the Province of the Massachusetts-Bay (among other Things) all those Lands and Hereditaments, lying between the Territory of Nova-Scotia, and the River Sagadahock, then and ever since known and distinguished by the Name of the Territory of Sagadahock, together with all Islands lying within ten Leagues of the Main Land, within the said Bounds, To HAVE AND TO HOLD the same unto the said Inhabitants and their Successors, to their own proper Use and Behoof for evermore. Provided always, That no Grant of Lands within the said Territory of Sagadahock made by the Governor and General Assembly of the said Province, should be of any Force or Effect, untill their Majesties, their Heirs and Successors, should signify their Approbation of the same:

The Governor, Council and House of Representatives of the said Province of the Massachusetts-Bay, in the Great and General Court assembled, have given and granted, and hereby do Give and Grant unto Paul Thorndike,¹ Samuel Freeman, David Alden, Samuel Cates, Andrew Siminton, Joseph Wilson, John Thorndike, Joshua Wood-

bury, Nathaniel Jordon Jun^r, Ezekiel Cushing Esq^r, Jeremiah Cushing, Ezekiel Cushing Jun^r, Robert Thorndike Jun^r, Stephen Hutchinson,¹ John Bradbury, Stephen Hutchinson,¹ Theophilus Herrick, Ebenezer Thorndike,¹ Nicholas Thorndike, Benjamin Thorndike Anthony Dyer, George Dyer, William Dyer, Nathaniel Milliken Joseph Milliken, Thomas Milliken,¹ Jonathan Milliken, John Robinson Jun^r Joseph Wallis, Benjamin Robbins, John Mulberry Milliken, Edward Milliken Esq^r ¹ Edward Milliken Jun^r Nathaniel Ingersol, Benjamin Milliken, William Meserve, Joseph Brown, William Morgan, Robert Haskill, Paul Thorndike,¹ Ebenezer Ellingwood, Henry Herrick, Lemuel Smith, Edward Milliken Esq^r ¹ John Roundy, William Bartlet, Joseph Herrick, Isaac Woodbury, Ebenezer Thorndike,¹ Ebenezer Thorndike,¹ Nathaniel Harmon, Thomas Milliken,¹ Joshua Herrick Jun^r Henry Herrick Jun^r Jer. Powel,¹ Jer. Powel,¹ Jer. Powel,¹ Elisha Jones,¹ Elisha Jones,¹ Elisha Jones,¹ and their Heirs, all that Tract of Land lying in said Territory of Sagadahock, on the East Side of Mountdesart River now called Union River, beginning at a Spruce Tree marked about Eight miles up said River on the East Side thereof, and marked **A** on the Plat exhibited, and thence extending due East by Compass, Six Miles, from thence South to the Sea about five miles then Westerly along the Sea Shore to the said River, and up said River to the Spruce aforesaid: To Have and to Hold the said Lands with their Appurtenances, to them and their Heirs, to the only Use and Behoof of them and their Heirs forever, as Tenants in Common, Subject nevertheless to the Reservations, Provisoos and Conditions hereafter mentioned.

And the said GOVERNOR, COUNCIL, and HOUSE OF REPRESENTATIVES assembled as aforesaid, have also given and granted, and hereby do Give and Grant unto David Bane,¹ James Gowen, Nathaniel Harman, Benjamin Prebble, Mathew Austin,¹ Jonathan Farnham, Thomas Moody, James Sayward, John Norman, Joseph Shaw, Joseph Moody, James Horn, Jonathan Nowill, Alexander Mackentier J^r Sam^l Addams, Joseph Baker, Abra^m Chapman, Jos^h Maine, Dan^l Grant,¹ John Bane, Benj^a Donell John Bradbury J^r, Joseph Horn, Abraham Lunt, Elisha Horn, Joshua Simpson, Mathias Whitney, Henry Sympson, Charles Bane, Jon^a Bane Esq^r, John Frost J^r Tim. Frost, Silas Nowell, Sam^l Bane, Joseph Bragdon, David Bane,¹ Josiah Simson, Sam^l Paul, James Carlisle, Eben^r Cook, Sam^l Simpson J^r Webster Simpson, Dummer Sewall, Sam^l Adams J^r Tobias Allen, Josiah Black, Jer^h Bragdon J^r Josiah Black Jun^r Nath^l Prebble, Peter Grant J^r Humphry Chadborn, Mathew Austin,¹ Sam^l Mane, Joshua Grant, Dan^l Grant,¹ Job Lyman, Jon^a Bane Joshua, Maclucas, and their Heirs, all that Tract of Land adjoining to the Tract of Land beforementioned, and beginning at the North East Corner of N^o one, and running due East, along a Line which is to be continued as a General Boundary Line north of all these Towns, Eight miles, thence due South, untill it meets the north Side Line of N^o Three, then due West along said Line to the Sea Shore and along the Same to the South East Corner of N^o One, thence north by the same to the first Point. To HAVE AND TO HOLD the said Lands, with their Appurtenances, to them and their Heirs, to the only Use and Behoof of them and their Heirs for ever, as Tenants in Common, subject nevertheless to the Reservations, Provisoos and Conditions hereafter mentioned.

¹ *Sic.*

And the said Governor, Council, and House of Representatives assembled as aforesaid, have also given and granted, and hereby do Give and Grant unto Nathan Jones, Francis Shaw, & Robert Gould, and their Associates and their Heirs, all that Tract of Land, adjoining to the Tract of Land beforementioned, and beginning at a Point on the West Side of a Creek marked **K**, ten Chains below the Falls, at N° 841 of the Survey, and running West seven Miles to another Bay of the Sea, and from thence along the Sea Shore Easterly to the first Point, To HAVE AND TO HOLD the said Lands, with their Appurtenances, to them and their Heirs, to the only Use and Behoof of them and their Heirs forever, as Tenants in Common. [Provided that one fourth Part of the said Township shall be separated, and set apart unto the said Nathan Jones and his Associates in manner following, A Line shall be run from the mouth of a Stream which falls from a large Pond, into the Bay next to N° Two, marked in the Plan **D** East by Compass unto the Bay in which Capt. Frost is settled; That the said Line be equally divided, and at the Point of the Division, an other Line be run North by Compass to the bounding Line of the Township, on the North side, and South indefinitely; which Line shall be determined to the Southward by a Point from which a Line being run Westward, to the first mentioned Bay, may together with the said North and South Line. as to the East, and the said Bounding Line of the Township to the North, and the Shore of the said Bay to the West, Inclose one equal and equitable Fourth Part of the Township; Regard being had to the Quality as well as the Quantity of the Land so Inclosed. And M^r Jones, and M^r Frye the Surveyors heretofore employed in Surveying those Towns, shall run the said Lines, and determine the said south Boundary of the said Fourth Part as aforesaid; & shall make their Return upon Oath if the same shall be requir'd And if they cannot agree concerning the Settling and running the said South Line, they shall call in a third Person, by whose Arbitration the Thing shall be finally determined. And the said Nathan Jones and his Associates shall do and perform one fourth Part of the Duties of the said Township] Subject nevertheless to the Reservations, Provisoos and Conditions hereafter mentioned. And the said Governor, Council and House of Representatives assembled as aforesaid have also given and granted, and hereby do Give and Grant unto Edward Small, Jacob Sawyer Jun^r Benj^a Thresher, Jonas Woodbury, Nath. Jordon J^r John Woodbury, Isaac Lovet, Jonathan Tickett, Sam^l Woodbury, Joshua Woodbury, Joseph Strout, Sam^l Fowler, Robert Mayo, Ephraim Dyer, ¹ Paul Thorndike, Andrew Siminton, James Siminton, Jon^a Lovet J^r Henry Dyer Jun^r Henry Dyer, David Alden, ¹ Moses Young, Aaron Chamberlain, Robert Mitchel, Benj^a Jordon, Wil. Plummer, Henry Johnson, William Webb, Sam^l Cobb J^r John Jack, Tho^s Armstrong, Thomas Ticket, Peter Woodbury, Jed^h Soul, Arch^s Stone, Jon^a Dyer, Eben^r Jordon, Oliver Bowley, Ephraim Dyer, ¹ Benj^a Waite, Andrew Siminton J^r John Strout, Joseph Sterrat Stephen Randall, Elisha Parker, Eben^r Smith, Simon Armstrong, William Dyer, Henry Mackenny, Elisha Parker J^r Richard Williams David Alden, ¹ Jerah Sprague, Dan. Merret, Jon^a Lovet, Wil. Dyer J^r Jer^h Sebins, Benj^a Dyer, Noah Jordon, Elisha Berre J^r and their Heirs all that Tract of Land adjoining to the Tract of Land aforementioned, and beginning at a Point on the East Side of the Creek marked **K** opposite to the Point that makes the north East Corner of N° Three at N°

¹ *Sic.*

845 of the Survey, and from thence along the Sea Shore Easterly to the West Side of the Mouth of a Creek marked X N^o 1,138 of the Survey, and from the first mentioned Point, and also from the last mentioned Point, by Lines due North unto the Great East and West boundary Line, and along the same 'till the Lines meet To Have and to Hold the said Lands with their Appurtenances to them and their Heirs, to the only Use and Behoof of them and their Heirs forever as Tenants in Common, subject nevertheless to Reservations, Provisoos and Conditions hereafter mentioned

AND THE SAID GOVERNOR, COUNCIL AND HOUSE OF REPRESENTATIVES, assembled as aforesaid have also given, and granted, and hereby do Give and Grant unto Josiah Sawyer, John Small J^r John Small, Dan^l Small, David Strouts, Nath^l Knowles, Peter Woodbury, John Emery, Moses Fowler, Wil. Siminton, Andrew Siminton, John Siminton, Jon^a Siminton, Eben^r Cole, Elisha Small, Jon^a Mitchell, Joseph Wallis, Jesse Brown, W^m Webb J^r Moses Plummer,¹ Moses Plummer,¹ John York, John Wallis; Joseph Strouts J^r Jon^a Kendall, Anthony Dyer, Jesse Brown J^r Moses Plummer,¹ David Brown, Noble Maxwell. Stephen Yetten, Patrick Maxwell, Sam^l Webb, Eben^r Sawyer, Jon^a Elvil, W^m Strout, Aaron Plummer J^r W^m Maxwell, Joshua Mayo, Benj^a Ficket, Christopher Dyer, Elisha Brown, Ephraim Dyer, Dominicus Jordon, Eben^r Cox, Jos^h Cobb J^r W^m Ray, Edw^d Small Jun^r Manwarren Beal, Manwarren Beal J^r Elisha Berry, David Strout, Samuel Freeman,¹ Sam^l Freeman,¹ Sam^l Freeman,¹ Sam^l Freeman,¹ Jere^b Powell,¹ Jer Powell,¹ Jer Powell,¹ Jer Powell¹ and their Heirs all that Tract of Land adjoining to the Tract of Land beforementioned, and beginning at the North East Corner of N^o Four, and running by the great East and West boundary Line unto the East End of the thirty third Mile from Union River, from thence South unto the Sea, and from thence along the Sea Shore Westerly to the East Side Line of N^o four, and along that Line to the first Point. To Have and to Hold the said Lands with their Appurtenances to them and their Heirs, to the only Use and Behoof of them and their Heirs forever, as Tenants in Common, Subject nevertheless, to the Reservations, Provisoos and Conditions hereafter mentioned.

AND THE SAID GOVERNOR, COUNCIL, AND HOUSE OF REPRESENTATIVES, assembled as aforesaid, have also given and granted, and hereby do Give and Grant unto Nath^l Parker, George Deake, Josiah Stanford J^r Daniel Merritt, Joseph Weston, William Hix, Charles Woodbury, W^m Siminton J^r Walter Siminton J^r John Duggen, Sam^l Knowles, Theo^a Siminton, John York J^r W^m Mc'Lellan, John Armstrong, Eben^r Robinson, Benj^a Wallis, John Robinson Jun^r Isaac Small, Moses Plummer J^r Moses Plum[']mer, Micah Dyer, Dan^l Merrett, Charles Peoples, Joseph Tebbut, Eben^r Roberts Jun^r Jabez Sawyer, Jon^a Sawyer, Sam^l Cash, Reuben Dyer, John McCreet, John Dyer, Benj^a Small, Eleazer McKenny, William Bucknam, W^m Doliver, John Doliver, Nich^s Blazedil, David Vickery, Samuel Doliver, Eben^r Roberts, John Brown, Daniel Sawyer, Alexander Mc'Lelland, Apollos Robinson, Joshua Robinson, Sam^l Sergeant, Job Small, Eliza. Starboard, Benj^a Mussey, George Strout Jun^r Joshua Strout W^m Siminton, Benj^a Milliker,¹ Solomon Bragdon, Benj^a Milliker,¹ Nathan Jones,¹ James Gowen, Jonas Cutler, Nathan Jones,¹ and their Heirs, all that Tract of Land adjoining to the Tract of Land beforementioned, and beginning at the North East Corner of

¹ *Sic.*

N^o Five, and running along the great East and West Boundary Line five Miles, and from thence South about Seven Miles, to the West Side of a River, near to which is a stooping Spruce marked **W** on the Plat, and down the said River, and along the Sea Coast West-erly to the East Line of N^o Five, then North up that Line to the first Point. To HAVE AND TO HOLD the said Lands, with their Appurtenances, to them and their Heirs, to the only Use and Behoof of them and their Heirs forever, as Tenants in Common, Subject nevertheless to the Reservations, Provisoos and Conditions here after mentioned. RESERVING NEVERTHELESS, to be yielded and paid unto his Majesty, his Heirs and Successors, by the said several Grantees, and their respective Heirs and Assigns, one fifth Part of all Gold and Silver Oar and precious Stones, which shall happen to be found, and gotten on the said Tracts of Land, or any of them, or any Part thereof. PROVIDED, that these Grants, or any of them, shall be of no Force or Effect, untill his Majesty, his Heirs and Successors, shall signify his or their Approbation thereof. And it is hereby provided and Declared, that the foregoing Grants, and each of them are and is made upon these express Considerations and Conditions, that the said several Grantees of the said several Tracts of Land hereafter to be made so many several Townships, and each of them shall within six Years after they shall have obtained his Majesty's approbation of such Grants, (unless prevented by War), settle each Township with SIXTY good PROTESTANT FAMILIES, and build sixty Houses, none to be less than EIGHTEEN FEET Square, or of equal Area, and seven Feet Stud; and clear and cultivate five Acres of Land on each Share, fit for Tillage, or Mowing; and that they build in each Township a suitable Meeting-House for the public Worship of God, and settle a learned PROTESTANT Minister, and make Provision for His comfortable and honourable Support. And that in each Township there be reserved and appropriated four whole Shares in the Division of the same (accounting one sixty fourth Part a Share) for the following Puposes, viz. one for the first settled or ordained minister, his Heirs and Assigns forever, one for the Use of the ministry, one to and for the Use of Harvard College in Cambridge, and one for the Use of a School forever. And if any of the Grantees or Proprietors, of any of the said Townships respectively, shall neglect, within the Term of six Years as aforesaid, to do and perform the Conditions aforesaid, as shall respectively belong to his Share or Right as aforesaid, such Share or Right shall be entirely forfeited, and shall enure to the Use of this Province, this Grant or any Thing therein contained to the contrary notwithstanding. PROVIDED NEVERTHELESS, that if the aforesaid Grantees, their Heirs and Assigns, shall not obtain his Majesty's Confirmation of these Grants before the Expiration of eighteen Months, to be computed from the Day of the Date hereof, then the said Grants, or such thereof as shall remain unconfirmed, shall cease and determine, and be null and void, this present Writing or any Thing therein contained to the contrary notwithstanding.

GIVEN in the Great and General Court, and Sealed with the public Seal of the Province the 27th of Jan^y in the Fourth Year of the Reign of his Majesty GEORGE the Third, by the GRACE OF GOD, of Great-Britain, France and Ireland, King, Defender of the Faith &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty four.

[Read and]

Resolved That the Grant of the Six Townships East of Penobscot be, and hereby is confirmed to the several Grantees mentioned in the Draft hereunto annexed respectively, in manner as is therein mentioned, and that his Excellency the Governor be desired to cause the Province Seal to be annexed to a fair Draft and Sufficient duplicate thereof and to Sign the same; and that the Secretary be directed to Sign the said Grant in the name of the Board, and the Speaker to Sign it in the Name of the House. [*Passed January 27.*]

CHAPTER 244.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF THE PROPRIETORS OF SOUHEGAN WEST NO 3.

A PETITION of William Peabody and John Shepard jun^r as also a Petition of John Varnum in behalf of the Proprietors of a Township granted by this Province, commonly called Souhegan West N^o 3, now lying in the Province of New Hampshire Setting forth, That M^r Daniel Mackay and M^{rs} Mary Hicks Administrators of the Estate of Joshua Hicks late of Salem Esq^r deceased, who was Clerk and Treasurer of said Propriety, recovered of them about four hundred pounds lawful money. That the Writ whereon the said Action was founded, was served on one Timothy Fuller of Middleton, who gave no information thereof to any of the Officers of the Propriety, and that they have good reason to think it was agreed that none should be given; Whereupon the Proprietors were defaulted, and had Judgment against them for Three hundred pounds (as they apprehend) more than the just debt. And Praying relief,

The Committee appointed the 24th Instant on the Petition of William Peabody and John Shepard Jun^r and the Petition of John Varnum, both on behalf of the Proprietors of Souhegan West N^o 3. having made report the following Order passed thereon viz^t

Read and Accepted and

Ordered That the Petitioners serve the Administrators of Joshua Hicks deceased with a Copy of said Petitions and that the said Administrators shew cause, if any they have on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted, and that Execution on the Judgment be stayed in the meantime.¹ [*Passed January 28.*]

Legislative
Records of the
Council, xxv.,
149, 164.

Legislative
Records of the
Council, xxv.,
105.

CHAPTER 245.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

ON THE PET^{ns} of Sick and wounded Soldiers

Ordered that the Sum of two pounds be paid out of the Publick Treasury to M^r David Wilder for the Use of William Willard in full

And the Sum of four pounds six shill^{gs} for the Use of Ephraim Carter in full And the Sum of One pound sixteen Shill^{gs} for the Use of Jonas Carter in full

Legislative
Records of the
Council, xxv.,
164. Mass.
Archives,
lxxx., 457.

House Jour-
nal, pp. 237, 238.

¹ Not found in the House Journal.

And the Sum of one pound Sixteen Shill^{ss} for the Use of Isaac Eveleth in full

To Mr Fellows Billing the Sum of Seven pounds eighteen Shillings for the Use of Joshua Warner in full

And the sum of three pounds for the Use of Ephraim Brooks in full To John Whitcomb Esq^r for the Use of William Pollard the sum of two pounds eighteen Shill^{ss} in full. [*Passed January 28.*]

CHAPTER 246.

ORDER FIXING TERMS OF CONFIRMATION OF THE PURCHASE OF CERTAIN INDIAN LANDS.

Legislative
Records of the
Council, xxv.,
199.

Legislative
Records of the
Council, xxv.,
116. House
Journal,
pp. 163 *bis*, 240.

A PETITION of Thomas Airey of Edgartown, Setting forth, That there hath been a petition of Bethiah Wapshaw Indian Woman depending in this Court for two Years in which the Petitioner is greatly interested, having purchased Lands of the said Indian Woman, the Validity of which purchase is now contested in the Law by Order of the General Court. And Praying that the said Lands may be confirmed to him, the manner of making said purchase contrary to the strict Letter of the Law notwithstanding.

The Committee appointed on the Petition of Thomas Airey having reported humbly to recommend the case of the said Thomas Airey to this Court, and that he be put into the like circumstance with other Petitioners who had made purchases of the Indians as aforesaid his noncompliance hitherto notwithstanding. namely that if he will at his own Cost and charge suffer a Survey of his Lands aforesaid and an Inquiry to be made into the present value thereof and what their real Value was when purchased, and also the purchase consideration, that then the Action aforesaid be further continued and a Settlement be made with him in this way, otherwise that the Petition be dismissed. The Committee further report that the like favour be extended to John Worth another purchaser of Indian Lands as aforesaid

Read and Accepted And thereupon

Ordered that upon the said Thomas Airey's complying with the terms mentioned in said Report the Action now pending be withdrawn, or otherwise that the same be pursued to Effect. [*Passed January 28.*]

CHAPTER 247.

ORDER ALLOWING £60 TO CAPT JON^A CARVER.

Legislative
Records of the
Council, xxv.,
167. Mass.
Archives,
lxxx., 449.

Mass.
Archives,
lxxx., 447.
House Jour-
nal, pp. 179, 219,
244. Province
Laws, xv., 546,
chap. 43.

A PETITION of Jonathan Carver, late a Captain in the Pay of the Province Setting forth, That he had a fit of Sickness while in the Army in 1755 which settling in one of his Leggs had like to have proved fatal to him, on account whereof the General Court in 1756 allowed him 50/ and paid his Doctor. That in the Year 1757 He was wounded at the taking of Fort William Henry in the same Leg, and being then obliged to travel in the Wilderness and ford divers Rivers, he had like to have lost his Leg, and tho' still preserved, yet it has put him to much pain and Expence having almost

reduced him to poverty, and that he still remains without hopes of a Cure. And Praying Relief.

Read and

Ordered that the Sum of Sixty pounds be allowed the Pet^r out of the publick Treasury in full consideration for his sufferings mentioned. [*Passed January 30.*]

CHAPTER 248.

ORDER IMPOWERING THE REV^d MR. ABRAHAM HILL TO COMPLETE THE BOOK OF RECORDS OF THE PROPRIETORS OF ATHOL.

A PETITION of Nathan Goddard and John Haven, a Committee of the Proprietors of Athol (formerly Pequoige) in the County of Worcester Setting forth, That the General Court in June 1760, directed the Rev^d M^r Abraham Hill their Clerk, to make a Book of records from such minutes as might appear; but that few minutes, and those very imperfect, could be found: whereupon a Committee chosen by the Proprietors in October 1760 obtained a Plan of said Township from the best helps that were to be had, which has been accepted by them. And Praying that the same and the Records they have collected may be established.

Read and Accepted, And

Ordered That the Petition of Nathan Goddard and John Haven, a Committee of the Town of Athol be dismissed: And that the Rev^d M^r Abraham Hill with the assistance of Nathan Goddard, and under the inspection of Cap^t Charles Baker, Surveyor, be directed to compleat the Book of Records of the Proprietors of Athol agreeable to the order of the General Court in June 1760, and lay the same before the said Proprietors, and likewise before the General Court for their approbation by the first of June next. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
30, 167.

Legislative
Records of the
Council, xxv.,
44, 107, 119.
House Jour-
nal, pp. 46, 47,
73, 142, 168.
Province
Laws, iv., 805,
chap. 3; 861,
notes; xvi., 697,
chap. 77.

CHAPTER 249.

RESOLVE IMPOWERING MARY DAMON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

ON THE PETITION of Mary Damon of Scituate in the County of Plymouth, Praying for liberty to make sale of a small House and about a quarter of an Acre of Land lying in Scituate aforesaid, belonging to her late husband David Damon deceased for the payment of his just debts, and for the maintenance of two small Children which she had by him.

Resolved That the Prayer of her Petition be granted, and that the Petitioner be, and hereby is fully authorized and impowered to make sale of the House and Land in the Petition mentioned for the most the same will fetch; She observing the directions of the Law for the Sale of Intestate Estates, and giving sufficient caution to the Judge of Probates for the County of Plymouth, that the

Legislative
Records of the
Council, xxv.,
168.

House Jour-
nal, p. 131.
Province
Laws, ii., 151,
chap. 10.

¹ This date is according to Legislative Records of the Council, xxv., 167, where it is signed by the governor. The record appears also under date of January 6, *ibid.*, xxv., 119, which ends with the word "Consented." It is recorded in the House Journal under date of the 6th of January.

money arising by the Sale thereof be applied to the payment of her late Husbands just debts and the Overplus, if any there be be improved for the maintenance of her said Children. [*Passed January 30.*]

CHAPTER 250.

ORDER ALLOWING £62. 14. 7 TO THO^s GILBERT, ESQ^r.

Legislative
Records of the
Council, xxv.,
168. Mass.
Archives,
lxxx., 432.

Mass.
Archives,
lxxx., 430.
House Jour-
nal, p. 240.

A PETITION of Thomas Gilbert Esq^r Setting forth, That in the year 1755 He was appointed Lieu^t Col^o of Col^o Ruggles's Regiment, and upon the death of Col^o Ephraim Williams, he was appointed by General Johnson, Col^o of that Regiment and so continued 6 weeks, during which time he was put to the expence of £10.12/ for his table, for which he has received no allowance as other Col^{onels} did. That he was after this ordered to Fort Edward, and while in command, was obliged to order one Lanson a Waggoner under Guard for 30 hours, or that otherwise he must have given up the authority of the Garrisons; for which upon his return from the Army, he was taken by a Writ procured by said Lanson, when finding all the Lawyers in Albany engaged against him, he was advised to compound the matter which cost him £79.4 New York currency. And further setting forth That in the year 1757 he was appointed muster master, and then mustered 59 men, and made two Journeys to Boston on that account, the one to receive the money for their Bounty, and the other to settle his Bonds. And Praying an Allowance.

Read and

Ordered that the Sum of Sixty two pounds fourteen Shillings and seven pence be granted and paid out of the publick Treasury to the Petitioner in full consideration for his Services and expences mentioned. [*Passed January 30.*]

CHAPTER 251.

RESOLVE IMPOWERING JOSEPH FRYE, ESQ^r, ADMINISTRATOR, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
169.

House Jour-
nal, p. 243.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Joseph Frye Esq^r Administrator of the Estate of Ja^s Parker late of Andover deceased Setting forth That the said deceaseds Estate is indebted Four hundred pounds more than the personal Estate amounts to: That the selling the Quick Stock and Husbandry Tools would greatly injure the Estate. And Praying leave to sell about sixty seven Acres of Land lying in two pieces in the North Precinct of Andover about 3 miles from the Homestead, on one of which pieces is a dwelling House and Grist Mill, and on the other, a Barn. To the Prayer of which Petition Dinah Parker, Widow of said deceased, Joshua Lovejoy, Guardian of James Parker his only Child, and the said James have signified their Consent.

[Read and]

Resolved That the Petitioner be, and hereby is empowered in his capacity as Administrator to make sale of the two pieces of Land therein mentioned with the Buildings thereon for the most the

same will fetch, and to execute a good deed or deeds thereof, He observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex that the proceeds of said Sale shall be duly and truly applied to the payment of the just debts of the said deceased, and the Overplus, if any there be, shall be duly applied to the use and benefit of the heir at Law. [*Passed January 30.*]

CHAPTER 252.

ORDER ALLOWING £3 TO ASA FULLER.

A PETITION of Asa Fuller, a Soldier in the pay of the Province in 1760 Setting forth That there was Three pounds stopt from his Wages for his Gun which he has since returned to his Captain. And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed out of the Treasury to M^r Fellows Billing for the Use of the Pet^r in full for the Gun mentioned. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
169. Mass.
Archives,
lxxx., 403.

Mass.
Archives,
lxxx., 402.
House Jour-
nal, pp. 178, 244.
Province
Laws, xvi., 247,
chap. 89.

CHAPTER 253.

RESOLVE IMPOWERING HANNAH FARR AND JOSEPH HARWOOD AND OTHERS TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Farr of Littleton, Widow, and also of Joseph Harwood and Others, Selectmen and Overseers of the Poor of said Town, Setting forth That her Husband John Farr hath been dead forty years, and She is now eighty years of age; that she had sett of to her as her Dower or Thirds in her said Husbands Estate about Thirty acres of Land, which is poor and insufficient for her Support, that she hath been maintained of late by the kindness of Friends, and of the Town; that her only Son is lately dead, and hath left no Heirs capable of doing anything for her. And Praying that She may be impowered to make sale of said Land; the proceeds to be applied, so far as shall be necessary for her comfortable Support, and the Overplus, if any there be at her decease to go to the heirs of the said Hannah

[Read and]

Resolved That the Prayer of the Petition be granted; and that the Petitioners be, and hereby are authorized & impowered to make sale of the premises within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of conveyance thereof; and that the proceeds of said Sale be deposited in the hands of the Selectmen of the Town of Littleton, they giving sufficient caution to the Judge of Probate for the County of Middlesex, that the proceeds of said Sale be applied for the purpose within mentioned and that the Overplus, if any there be, at the decease of the said Hannah be returned to her Heirs, or lawful Representatives agreeable to Law. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
169.

House Jour-
nal, p. 243.
Province
Laws, li., 151,
chap. 10.

CHAPTER 254.

RESOLVE IMPOWERING GERSHOM FLETCHER, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
170.

House Jour-
nal, p. 243.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Gershom Fletcher of Westford Executor of the last Will and Testament of John Cowdrey deceased, Setting forth, That the said deceased dyed siezed of a small real Estate which was appraised at no more than Thirty five pounds, and which by his said Will he had impowered his Wife to sell, and improve the proceeds thereof for the support of herself and Children, and for the bringing up the said Children; but the Widow being rendred incapable of taking care of herself or them, thereupon he was appointed Executor, but doubting his Power of disposing of the said Estate, he prays the interposition of this Court for that purpose.

[Read and]

Resolved That the Prayer of the Petition be so far granted as that the Petitioner in his said capacity be and hereby is authorized and impowered to make sale of the Real Estate within mentioned for the most the same will fetch, and to make and execute a good & sufficient deed or deeds of conveyance thereof, he observing the directions in the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds arising by said Sale shall be applied for the purposes mentioned, and that the Overplus, if any there be, he be accountable for agreeable to Law. [*Passed January 30.*]

CHAPTER 255.

RESOLVE DIRECTING THE PROVINCE TREASURER TO PAY £10.8 TO BENJ^A FELLOWS, GUARDIAN.

Legislative
Records of the
Council, xxv.,
170.

House Jour-
nal, p. 210.

WHEREAS at the present Session of this Court, Benjamin Fellows of Ipswich Guardian to his Brother Daniel Fellows of said Ipswich, representing that his said Brother was in possession of Seventy eight pounds Province Bills old tenor, which they have never been able to get out of his hands 'till lately, by reason of the disordered State of mind his said Brother has been in, which affair was fully set forth in said Petition, and committed to a Committee, who reported, that the Treasurer of the Province be directed to receive said Bills and upon his being satisfied that said Bills were genuine, to pay to the said Benjamin the Sum of Ten pounds eight shillings lawful money and deliver the Bills to the Committee appointed to receive the Government Securities that have been redeemed and consume them to Ashes; and they were alike directed to consume said Bills: But thó the Affair had passed both Houses, yet so it has hapned that the Petition and Papers, and also the Bills were consumed in the late Fire. Therefore

Resolved That the sum of Ten pounds eight shillings lawful money be paid by the Treasurer to Cap^t Lancaster of Rowley, by him to be delivered to the said Benjamin Fellows as Guardian to his said

Brother, he to be accountable to the Judge of Probate for the County of Essex for his faithful improvement of said Sum as Guardian.¹ [*Passed January 30.*]

CHAPTER 256.

RESOLVE DIRECTING THE ASSESSORS OF STOCKBRIDGE TO SIGN THE LIST OF ASSESSMENT AND COMMIT THE SAME FOR COLLECTION.

A PETITION of Ezra Whittlesey of Stockbridge Setting forth, That being chosen a Constable in the year 1762, the assessors made their list of assessment, and committed the same to him to collect, but neglected to sign the said List, which being discovered by sundry persons assessed therein, they refuse payment. And Praying that the assessors for that Year may be impowered to perfect their List, or that it may be otherwise declared valid.

[Read and]

Resolved That the assessors of the Town of Stockbridge for the Year 1762 or the major part of them be impowered and directed as soon as may be to sign and compleat the List of Assessment of the Province Tax committed to the memorialist without being perfected and that the said List so signed be good and valid to all intents and purposes, And that the memorialist be and is hereby directed to finish his Collection of the remainder of said List, and account with the Treasurer as soon as may be. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
171.

House Jour-
nal, pp. 244, 245,
246. Province
Laws, lv., 632,
note.

CHAPTER 257.

ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF JERUSHA MAYHEW.

A PETITION of Jerusha Mayhew, Attorney to Wadsworth Mayhew Bethiah Mayhew and Bethiah Mayhew jun^r Setting forth, That She exhibited a Petition of the said Parties to this Court in their present Session, shewing, that Cornelius Basset of Chilmark recovered Judgment at his majesty's Superior Court held at Barnstable on the first Tuesday of May last against the said Parties for the Sum of Eighty pounds and Cost of Court; And Praying for a rehearing of the said Suit for the reasons thereinmentioned. That the Court acted upon said Petition and Ordered the said Cornelius Basset to be notified, that (if he saw cause) he might make answer and shew why the prayer thereof should not be granted. That altho the original Petition and Order thereon is burnt; yet that the said Basset is now present and possessed of an authentic copy thereof, And Praying that the Court would require the same, and act thereon.

Report read and Accepted. And

Ordered That the further Consideration of this Petition be referred to the consideration of the General Court in the next may Session, and that Execution be stayed in the mean time. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
154, 172.

House Jour-
nal, pp. 236, 248.
Ante, p. 445,
chap. 156.

¹ The final action on this chapter is not found in the House Journal.

CHAPTER 258.

RESOLVE ALLOWING £43. 16. 3 TO M^r ANDREW ELIOT.

Legislative
Records of the
Council, xxv.,
193. Mass.
Archives,
lviii., 495^a.

House Jour-
nal, p. 241.

In the House of Rep^{ues}

The House entred into the consideration of the state of the Sufferers by the late fire at Harvard College and particularly considering the Sufferings of M^r Andrew Eliot the Butler.

The following resolve pass'd Viz

Resolved that the Sum of forty three pounds Sixteen Shill^{es} and three pence be now allowed him out of the publick Treasury in consideration of the Loss of his goods and Chattels

Also

Resolved that the Loss which the said Eliot has sustain'd by his Account Books being burn'd, be referd for further consideration

In Council Read & Concur^d. [*Passed January 30.*]

CHAPTER 259.

ORDER IMPOWERING TIM^o TOWNSEND, ADM^r, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
173.

Province
Laws, ii., 151,
chap. 10.

A PETITION of Timothy Townsend, Administrator of the Estate of Isaac Foster late of Holliston, Yeoman deceased Setting forth, That the said deceased died siezed of a House and Barn and about eighty Acres of Land in Holliston of the value of about £270 which Estate is Mortgaged for about One hundred pounds and the time of redemption almost expired; besides which the Estate is about £50 more in debt. And Praying that he may be impowered to make sale of the whole of said Estate, as it may be greatly injured by selling a part only, or however to Sell such part as this Court shall think fit; he to be accountable.

Read and

Ordered That the Prayer of this Petition be granted and that the Petitioner be, and he hereby is impowered to make Sale of the Dwelling House and Land within mentioned for the most the same will fetch, and to execute a good deed or deeds in the law for conveying the same. He observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate of Wills for the County of Middlesex, that the money arising by the said Sale be applied for the discharging the deceased's just debts, and the Overplus, if any there be, for the use and benefit of the Descendants of the said Isaac Foster agreeable to a Deed made of the House and Land on the 10th of February 1757 to the Petitioner, for their use, which deed is recorded in the Registry of deeds for the County of Middlesex Book 58. Page 35.¹ [*Passed January 31.*]

¹ Not found in the House Journal.

CHAPTER 260.

ORDER ALLOWING 40/ TO N: HOOPER.

A PETITION of Daniel Howard of Bridgewater, Praying an Allowance of forty shillings to Nathaniel Hooper a Soldier in the Pay of the Province, the said Sum having been stopped out of his Wages for a Gun he had received, which Gun has been returned.

Read and

Ordered That the Prayer of the Petition be granted; and that the Sum of forty shillings be paid out of the Public Treasury to Daniel Howard Esq^r for the use of Nathaniel Hooper in full.¹
[*Passed January 31.*]

Legislative
Records of the
Council, xxv.,
174.

Province
Laws, xvi., 89,
chap. 199.

CHAPTER 261.

RESOLVE DIRECTING THE GUARDIANS OF MATTAKESSET INDIANS TO PAY FOR THE CARE OF HANNAH JOB, INDIAN.

Resolved that y^e Guardians of y^e Mattakeset Indians, be & hereby are impowered and directed to pay out of y^e said Indians Money now in their hands, to Doctor Hall and others, the several Sums of Money due for attend^{ce} nursing & taking care of Hannah Job a young Indian of said tribe, when confined with a broken thigh, provided the same do not exceed the sum of Seventeen Pounds 13/4 the said Guardians to be accountable. [*Passed January 31.*]

Legislative
Records of the
Council, xxv.,
174. Mass.
Archives,
xxxiii., 255.

House Jour-
nal, pp. 210, 248,
249. Province
Laws, xiv., 718,
chap. 221.

CHAPTER 262.

RESOLVE FOR BUILD^e A BARRACK AT FORT POWNALL.

WHEREAS it appears to this Court to be expedient to erect a Barrack at Fort Pownall, to shelter the Indians in cold and tempestuous Weather, when they come to trade; and to serve also as a Place to carry on divine Worship, when it cannot with Convenience be performed within the Fort:

It is therefore,

Resolved, That a single Barrack of forty Feet long, and twenty four Feet wide, shall be built for the Purposes aforesaid: and that his Excellency the Governor be, and he hereby is desired to give Orders for erecting the same. [*Passed January 31.*]

Legislative
Records of the
Council, xxv.,
174. Mass.
Archives,
lxxx., 458.

House Jour-
nal, p. 246.

¹ Not found in the House Journal.

CHAPTER 263.

ORDER ALLOWING £3. 8 TO ELISHA MAYO.

Legislative
Records of the
Council, xxv.,
176. Mass.
Archives,
lxxx., 460.

Mass.
Archives,
lxxx., 459.
House Jour-
nal, p. 252.

A PETITION of Thomas Gilbert Esq^r in behalf of Elisha Mayo of Middleborough whose Son had been a Soldier in the Pay of the Province, Praying an allowance of the charge of getting home, he being taken ill of the Small Pox on his Return from the Army.

Read and

Ordered that the Sum of three pounds eight Shillings be granted out of the publick Treasury to Thomas Gilbert Esq^r for the Use of Elisha Mayo in full. [*Passed January 31.*]

CHAPTER 264.

ORDER IMPOWERING BENJAMIN LINCOLN, JR., GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
176.

Legislative
Records of the
Council, xxiv.,
529; xxv., 55.
House Jour-
nal, p. 107.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Benjamin Lincoln Esq^r in behalf of Benjamin Lincoln jun^r Guardian to Hannah Cushing a Minor, Setting forth, That the said Guardian had in January 1763 presented a Petition to the General Court praying that he might be impowered to make Sale of the Real Estate of said Minor, whereupon a Committee was appointed to view the premises, who reported in favour of the said Petition under certain restrictions, which report was accepted in Council and an Order passed therein accordingly, and was sent down for Concurrence, but that with the other Papers was burnt with the College, And Praying that the said Order may be revived.

Read and

Ordered That the Prayer of this Petition be granted, and that the abovenamed Benjamin Lincoln jun^r be, and he is hereby authorized and impowered in his said capacity to make Sale of the whole of the Real Estate belonging to said Minor to as good advantage as may be, and to give and execute a sufficient deed or deeds of Conveyance of the same; He pursuing the directions of the Law relating to the Sale of Lands by Executors and Administrators and giving due caution to the Judge of Probate for the County of Suffolk that the proceeds of such Sale shall be applied as the Law directs; and that the monies arising thereby be put out at Interest on good security (in Real Estate and otherwise) and that such Interest shall be applied, so far as is necessary for the benefit of said minor during her minority, and the Principal, after necessary charges deducted, be duly paid to her when she shall arrive to lawful age, or at marriage, which shall first happen, and that he account with the Judge aforesaid or his Successor in said Office touching his proceedings in the premises. [*Passed January 31.*]

CHAPTER 265.

ORDERS ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

ON THE PETITIONS of Sick and wounded Soldiers the following Orders passed viz'

Ordered That the sum of Two pounds fourteen shillings be granted out of the Public Treasury to Jerathmeel Bowers Esq' for the use of Mic' Pierce in full.

Ordered That the Sum of Forty shillings be granted out of the Public Treasury to Cap^t Moses Little for the use of Ezekiel Hale in full.

Ordered That the Sum of Three pounds sixteen shillings be granted out of the Public Treasury to Cap^t Moses Little for the use of John Currier in full. [*Passed February 1.*]

Legislative
Records of the
Council, xxv.,
177.

Mass.
Archives,
lxxx., 363, 452,
453. House
Journal,
pp. 252, 253.

CHAPTER 266.

RESOLVE REFERRING THE PETITIONS OF OFFICERS AND SOLDIERS FOR LANDS, AS A REWARD FOR SERVICES.

THE HOUSE took under consideration the Petitions of the Officers & Soldiers who have been in the Service of the Province in the late Wars, and passed the following Resolve viz'

Resolved That Surveyors be appointed to survey the Country for Six miles of Latitude above the North line of the New Townships on the East side of mount Desart or Union River, noting the exact courses of the principal Rivers and their navigability, the nature of the Lands and other things remarkable, including the Western side of Union River and the Eastern side of the River at the end of the sixth Township, That an exact Account of the Expence of such Survey be kept, to be defreyed by the Grantees of any Townships or Tracts of Land, which shall be hereafter granted in such proportions as shall be ordered by the General Court.

That the same Surveyors shall also Survey the Lands lying between the six Townships on the West side of Union River, and the said River running at the North Point of the said Townships and running East by Compass to the said Union River and to the East Point of N° Six of the said Townships, the expences to be borne by future Grantees as before.

That the Grantees of all the aforementioned Townships be obliged to have Boundary lines of their several Towns, and also the Courses of the principal Rivers therein carefully run and noted by able Surveyors to be approved of by the Governor & Council, and to be returned within a certain time.

That Surveyors be appointed to Survey all the Islands belonging to the Province from Penobscot Bay to the end of the granted Townships (excepting mount Desart and it's Dependencies) with their distances and Bearings from each other and from the Continent, and that the Expence thereof be borne by the Public Sale of one or more Islands that will be sufficient to pay the charge thereof. And that the further consideration of the said Petitions and the Claims of such Officers and Soldiers as have served in the late War

Legislative
Records of the
Council, xxv.,
177. Mass.
Archives,
lxxx., 463.

Mass.
Archives,
cxviii., 24.
House Jour-
nal, pp. 250, 251.
Ante, p. 474,
chap. 243.

who have not petitioned be referred until the abovesaid Survey be had. and the Plans of the abovementioned Lands be returned to this Court.

Resolved That publick notice be given in the Boston News Papers that the General Court have under their consideration a number of Petitions from Officers & Soldiers praying some reward in Lands for their Services and Sufferings in the late Wars: and the consideration is referred to the Session of the General Court in may next to the end that those who have the like Claims may then (if they see cause) prefer their Petitions. [*Passed February 1.*]

CHAPTER 267.

ORDER ALLOWING £1. 8. 8 TO JOHN JONES.

Legislative
Records of the
Council, xxv.,
178. Mass.
Archives,
lxxxvii., 108.

House Jour-
nal, pp. 185, 214.
Ante, p. 462,
chap. 207.

A PETITION of John Jones Setting forth That on the 18th of January last by an Order of this Court the Treasurer was directed to receive of the Petitioner Province Bills amounting to £10.15/ Old tenor and upon receipt thereof to pay him £1.8.8 as appears by the Votes of the House, which Bills and other Papers relative thereto were consumed in the late Fire, And Praying that the said Order may be revived.

Read and

Ordered that the prayer of the Petⁿ be granted and the Pet^r is allowed to receive one pound eight Shill^{ss} and eight pence out of the publick Treasury accordingly. [*Passed February 1.*]

CHAPTER 268.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
178. Mass.
Archives,
lxxx., 462.

Mass.
Archives,
lxxx., 461.
House Jour-
nal, p. 254.

A PETITION of Samuel Damon, William Bolton, Benj^a Batchelor Timothy Stearns and Jonathan Pearson, Soldiers in the pay of the Province in Cap^t Harts Company in 1762, who were taken Sick on their return home, Praying an Allowance of the charge thereof.

Read and

Ordered that the following sums be paid to Ebenezer Nichols Esq^r Viz

To Samuel Dammon One pound Sixteen Shill^{ss}. To Benjamin Batchelor one pound ten shillings To William Bolton one pound eighteen Shill^{ss} To Timothy Stearns one pound twelve shill^{ss}. To Jon^a Parson one pound fifteen Shillings. [*Passed February 1.*]

CHAPTER 269.

RESOLVE ALLOWING £30 TO PROF. JN^O WINTHROP.

Resolved that the Sum of thirty pounds be granted out of the publick Treasury to John Winthrop Esq^r for his time trouble and expence in making observations upon the variation of the Needle and that the Table exhibiting this Variation be printed. [*Passed February 1.*]

Legislative
Records of the
Council, xxv.,
180. Mass.
Archives,
lviii., 481.

Mass.
Archives,
lviii., 479.
Legislative
Records of the
Council, xxv.,
19 *his*. House
Journal,
pp. 123, 253.
Ante, p. 394,
chap. 35.

CHAPTER 270.

RESOLVE IMPOWERING JOHN NELSON TO SELL LAND, AND MAKING
PROVISION IN REGARD TO THE PROCEEDS.

WHEREAS John Nelson of Plymouth preferred a Petition to this Court in their present Session, Setting forth, That by the Will of his hon^d Father, Samuel Nelson late of Plymouth deceased he was obliged to pay one half his Fathers debts; and the whole of his said Fathers personal Estate was by said Will given to his Sisters and their Children, and what Lands the said John by the Will had the improvement of, was only given to him during Life as appeared by the Will: And an Order passed the 21st day of this Instant January fully empowering the said John Nelson to sell so much of the Lands as fully to discharge so much of the debts of his deceased Father as by the Will he was to pay; but before the said Order was signed by the Governor, the Petition and Copy of the Will and all other Papers were consumed in the late Fire, Therefore

Legislative
Records of the
Council, xxv.,
181.

Legislative
Records of the
Council, xxv.,
144. House
Journal, p. 218.
Province
Laws, II., 151,
chap. 10.

Resolved That the Petitioner John Nelson be fully empowered to make sale of so much of the Lands of his deceased Father in his possession as shall be sufficient to pay such part of the debts due from the Estate of his said Father as by his said Fathers Will he was obliged to pay, He giving sufficient caution to the Judge of Probate for the County of Plymouth that the monies arising by said Sale shall be applied to the payment of said debts: And the Petitioner John Nelson is hereby empowered to make and execute a good deed or deeds of the same, he observing the directions of the Law for the Sale of Real Estates by Executors and Administrators agreeable to said Order.¹ [*Passed February 1.*]

¹ The record also adds: "N: B. The Order for Sale of the forementioned Estate having been preserved from the Fire is also entered the 21st day of January." The said order of January 21st, which was signed in Legislative Records of the Council, xxv., 144, is as follows:

"*Ordered* That the Petitioner be and he hereby is empowered to make sale of so much of the Lands mentioned, as shall be sufficient for the purposes therein mentioned, and for defreying the Charges of Sale: he for that end in the first place giving sufficient caution to the Judge of Probate for the County of Plymouth, that the monies arising by said Sale shall be truly and faithfully applied for the purposes aforesaid: And the Petitioner is hereby further empowered to execute a good deed or deeds in the Law for the Same; he observing the directions of the Law for the Sale of Real Estates by Executors and Administrators."

CHAPTER 271.

ORDER ALLOWING £3.9.2 TO JN^o GORHAM.

Legislative
Records of the
Council, xxv.,
180. Mass.
Archives,
xiv., 356.

Mass.
Archives,
xiv., 355.
Legislative
Records of the
Council, xxii.,
77; xxv., 175.
House Jour-
nal, pp. 257, 261.
Province
Laws, iv., 119,
note.

A PETITION of John Gorham of Barnstable Setting forth, That there were committed to him divers Executions upon Judgments obtained against Joseph Wing, Melatiah Gifford and Halsell O'Reily of the People called Quakers for not attending military musters, who were thereupon committed to Goal in Barnstable, who were afterwards discharged by Order of Government, but no provision was made for the Petitioner to recover his Fees, And Praying Relief.

Read and

Ordered that the Sum of three pounds nine Shillings and two pence be granted out of the publick Treasury to the Pet^r or his Order in full for his fees within mentioned. [*Passed February 2.*¹

CHAPTER 272.

VOTE ESTABLISHING THE PAY OF TWO SCOUTING PARTIES.

Legislative
Records of the
Council, xxv.,
183. Mass.
Archives,
lxxx., 468.

House Jour-
nal, p. 258.
Ante, p. 489,
chap. 266.

Voted, That Surveyors from the Eastern Parts of this Province to the River St Lawrence is necessary and practicable; and that fully to answer the Purposes thereof; that two Scouting Parties, each to consist of one Captain, two Surveyors. and nine Privates be established in the Pay of this Government, in the following manner. Viz^t

	Per month
One Captain, ...	£11. 0. 0
First Surveyor	8. 0. 0
Second Surveyor	6. 0. 0
The Privates, each	3. 12. 0

The Establishment to continue until the first Day of October next. [*Passed February 2.*

CHAPTER 273.

VOTE IMPOWERING THE PROVINCE TREASURER TO RECEIVE £1,396. 6. 6 FROM THE GOVERNOR OF PENNSYLVANIA.

Legislative
Records of the
Council, xxv.,
183. Mass.
Archives, civ.,
268.

House Jour-
nal, pp. 259, 260.

In Council

Whereas it was agreed between the agents in England for the several Colonies interested in the Grant made by Parliament as a compensation for their respective charges in the general Service in the year 1760.

That the distribution or apportionment of the said Grant should be corrected when the number of troops of each colony should be

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 1.

afterwards ascertained, and that any colony which should have received more than their proportion of such Grant according to such ascertainment should reimburse in proportion to any Colony or Colonies which should be deficient, And it afterwards appearing that the Province of Pensilvania had received out of the said Grant Thirteen hundred and ninety six pounds six shillings and six pence Sterling more than the interest or proportion of the said Province in the said Grant, which Sum is due to this Province towards making good what the said Province fell short of its just proportion

Therefore

Voted that Harrison Gray Esq^r Treasurer of this Province be and he hereby is Authorized and impowered for and in behalf of the said Province to receive from and give full discharge to any person or persons authorized and impowered in behalf of the Province of Pensilvania to make payment of the said sum of Thirteen hundred and ninety six pounds, six shillings and six pence Sterling.

And the Acts and doings of the said Harrison Gray Esq^r in this respect shall be allowed and ¹ held good and any further ratification thereof if necessary made by this Court

In the House of Rep^{tes}

Read and Concurd and the Sec^{ry} is directed to fill up the blanks agreeable to the proportion Settled.

In Council Read & Concur^d. [*Passed February 2.*]

CHAPTER 274.

ORDER ALLOWING 18/ TO DAV^d BROWN.

A PETITION of David Brown of Billerica Setting forth, That in the Year 1760 He being a Soldier in Cap^t Sack's Company was while upon duty taken sick at Scatacook, and the Doc^r of the Regiment being then at a distance he improv'd one Doc^r Fisk who went from Woburn and hath since paid him three Dollars for his medicines and Attendance,

Read and

Ordered that the Sum of eighteen Shillings be paid out of the publick Treasury to Cap Enoch Kidder for the Use of the Pet^r in full. [*Passed February 2.*]

Legislative
Records of the
Council, xxv.,
184. Mass.
Archives,
lxxx., 454.
House Jour-
nal, p. 254.

CHAPTER 275.

ORDER DIRECTING THE SELECTMEN TO TAKE AN EXACT ACCOUNT OF DWELLING HOUSES, FAMILIES AND PEOPLE IN THEIR RESPECTIVE TOWNS AND DISTRICTS.

Ordered That the Selectmen of each Town and District in this Province to be chosen for the Year 1764 do as soon as conveniently may be take an exact Account of the number of Dwelling Houses, Families and People in their respective Towns and Districts, including as well Indians civilized, Negroes and Molattos as White People,

Legislative
Records of the
Council, xxv.,
184.
Mass.
Archives,
lxxxviii., 234.

¹ Inserted from Legislative Records of the Council, xxv., 183.

Legislative
Records of the
Council, xxv.,
22, 23, 57.
House Jour-
nal, p. 260.

and Females as well as Males, and distinguishing them in this Form namely.

White People under sixteen years	{ Males
	{ Females
Above Sixteen Years	{ Males
	{ Females
Families	
Houses	
Negroes & Mollattos	{ Males
	{ Females
Indians	{ Males
	{ Females

And return the same into the Secretaries Office by the last day of December next. [*Passed February 2.*]

CHAPTER 276.

RESOLVE DIRECTING THE PROVINCE TREASURER TO RETURN SECURITY GIVEN BY CAPT. ABEL LAWRENCE, AND REPAY £20 TO HIM.

Legislative
Records of the
Council, xxv.,
185. Mass.
Archives,
cxviii., 27.

Mass.
Archives,
cxviii., 26.
House Jour-
nal, pp. 239, 263.
Ante, p. 242,
chap. 50.

A PETITION of Abel Lawrence of Groton Setting forth That he was one of the Purchasers of those Townships sold by the Government at public Vendue in June 1762 viz^t N^o 6. And that he was greatly mistaken and misled in regard to the laying out of said Township, neither dos it lay, as he is well informed in the place where it was represented to lay by the Plan exhibited at the Sale; and that by means of private Grants &c He is crowded off the good Land which he supposed he purchased, on to mountainous barren Land. And Praying that he may be wholly discharged from the Purchase or that he may be otherwise relieved.

[Read and]

Resolved; That the Prayer of this Petition be granted; and that the Treasurer be directed to give up the Security given by the said Petitioner for said Township N^o 6: for the reasons therein mentioned and that the Treasurer be further directed to repay the Petitioner the sum of Twenty pounds, it being the earnest Money he paid at the time of the Sale, and the said Sale to be null and void. [*Passed February 2.*]

CHAPTER 277.

ORDER ALLOWING £8. 16 TO AMBROSE HALE.

Legislative
Records of the
Council, xxv.,
185. Mass.
Archives,
lxxx., 450.

Mass.
Archives,
lxxx., 450.
House Jour-
nal, p. 263.

A PETITION of Ambrose Hale Setting forth That his Son Ambrose Hale being a Soldier in the Pay of the Province in Col^o Willards Regiment was taken ill in the Service and ordered home; but could reach no further than Springfield before he was obliged to lye by; where he was confined for a long time with a fever, which issued in a Fever Sore, the Effects whereof he still feels, and fears that he ever shall. That the Petitioner was at the expence of a man and horse to fetch his said Son home, And Praying an Allowance.

Read and

Ordered that the Sum of eight pounds sixteen Shillings be paid out of the publick Treasury to Cap^t Abel Lawrence for the Use of Ambrose Hale in full. [*Passed February 2.*]

CHAPTER 278.

ORDER ALLOWING £6 TO ZACH^r FLAGG.

A PETITION of Zachariah Flagg of Woburn Setting forth That his Son Zachary Flagg Jun^r enlisted into his majesty's Service at the opening of the late War, and continued therein 'till the close of it, one year only excepted and by the various hardships endured in the Service is greatly debilitated both in body and mind, that he was left Sick at Leicester the last Year, the expence of which Sickness, and the conveying his said Son home has cost the Petitioner £10.11.1. And Praying Relief.

Legislative
Records of the
Council, xxv.,
186. Mass.
Archives,
lxxx., 466.

Mass.
Archives,
lxxx., 465.
House Jour-
nal, p. 263.

Read and

Ordered That the sum of six pounds be paid out of the publick Treasury to James Fowle Esq^r for the Use of the Pet^r in full.
[*Passed February 2.*]

CHAPTER 279.

RESOLVE TO AUGMENT THE GARRISON AT FORT HALIFAX.

WHEREAS it appears to this Court that it is expedient to augment the Garrison of Fort Hallifax

Resolv'd that 14 privates & one Gunner be added to y^e said Garrison by Inlistment & that as many men as his Excell^y the Gov^r may think necessary to be supplied to Fort Western out of this augmentation & that the s^d men be upon the same establishm^t as they are at Fort Pownall. [*Passed February 2.*]

Legislative
Records of the
Council, xxv.,
186. Mass.
Archives,
lxxx., 467.

Legislative
Records of the
Council, xxv.,
128. House
Journal, p. 262.

CHAPTER 280.

ORDER IMPOWERING STEPHⁿ MINOT, ADM^r, TO LAY OUT 300 ACRES OF LAND.

A PETITION of Stephen Minot Administrator of the Estate of Jonas Clark late of Boston Esq^r deceased, Setting forth, That the Great and General Court in May 1674 granted to Jonas Clark of Cambridge 300 Acres of Land which in 1682 was laid out to him on the East side of Merrimack River at a place now called Londonderry, which by the late running of the Line is fallen within the Province of New Hampshire, That the said Jonas Clark Esq^r Father in law to the Memorialist had purchased the said Land, which has been by New Hampshire granted to, and is now possessed by People holding under that Government. And Praying that he may be allowed an Equivalent.

Legislative
Records of the
Council, xxv.,
188. Mass.
Archives, xix.,
736.

Mass.
Archives, xix.,
735. House
Journal,
pp. 158, 234.

Read and

Ordered that the Pet^r have liberty to lay out three hundred Acres of the unappropriated Lands of this Province any where within the Counties of Hampshire and Berkshire by a Surveyor and Chain men under Oath. The Pet^r to return a Plan thereof within twelve months for confirmation. [*Passed February 3.*]

CHAPTER 281.

ORDER GRANTING 400 ACRES OF LAND TO JOHN JONES, ESQ^E, TRUSTEE.

Legislative
Records of the
Council, xxv.,
188.

House Jour-
nal, pp. 239, 266.
Province
Laws, xii., 325,
chap. 145; 462,
chap. 243.

A PETITION of John Jones Esq^r of Hopkinton in behalf of himself and the other heirs of Cap^t John Alden deceased Setting forth That the General Court did on the 9th day of June 1736 in consideration of the Services of the said John Alden grant to his Heirs four hundred Acres of the unappropriated Lands of the Province, who did accordingly survey 400 Acres of Land lying on the Branches of Souhegan River, the Plat whereof was returned and accepted: Since which the said Land by the late running of the Line is fallen into the Government of New Hampshire, by which means they must lose the benefit of their Grant and the charges they have been at, without the Aid of this Court. And Praying Relief.

Read and

Ordered That there be granted four hundred Acres of the unappropriated Lands of the Province to the said John Jones in trust for the Heirs of Cap^t John Alden; and in full consideration for the four hundred Acres heretofore granted to the said Cap^t Alden mentioned in the Petition. And when the said John Jones shall have taken & returned the Plan of the Land hereby granted, for confirmation, which he is directed to do within twelve months from the date of the passing hereof: And before the return of such Plan, he shall give sufficient caution to the Judge of Probate for the County of Middlesex, that this Grant shall accrue to the sole benefit of the Heirs aforesaid in legal proportion. [*Passed February 3.*]

CHAPTER 282.

ORDER GRANTING £40 TO SAM^L DANFORTH, ESQ^E.

Legislative
Records of the
Council, xxv.,
189. Mass.
Archives,
lviii., 485.

Mass.
Archives,
lviii., 484.
House Jour-
nal, pp. 99, 235,
265. Province
Laws, xiii., 16,
chap. 10; xiv.,
39, chap. 92,
note.

A MEMORIAL of Samuel Danforth Esq^r Setting forth, that in the Year 1741 he was with others employed to revise the Laws of the Province, to separate those which were expired or had been repealed, and to cause a new Impression to be made of those which remained in force, both of the standing Laws and of the temporary ones, and to prepare an Index to each Volume and that in the Year 1745 the Government ordered another Impression of the said Laws with an Index, the care and burthen of all which Tables lay upon the memorialist; that these matters were in hand for about twelve months and occasioned him divers Journeys to Boston to inspect the Press, and much trouble. That in the time of the Expedition to Cuba he was employed many days in computing the Pay or Wages of the Officers who went from this Province. That he was also appointed by the Government as one of the Guardians of the Natick Indians which occasioned him no little trouble and expence, and divers Journeys to Natick. For all which Services he hath received no consideration. And Praying an Allowance.

Read and

Ordered that the Sum of forty pounds be granted out of the publick Treasury to the Memorialist in full consideration for his Services within mentioned. [*Passed February 3.*]

CHAPTER 283.

RESOLVE GRANTING A GORE OF 400 ACRES OF LAND TO COL. JONATHAN BAGLEY.

A PETITION of Jonathan Bagley Esq^r Setting forth, That in taking a Plan of the appropriated Land in the Province of Maine the Summer past, it appeared that there was a Gore of unappropriated Land containing about four hundred Acres lying between North Yarmouth and the Pejebseut Claim and on the head of Prouts Gore so called. And Praying that he may have a Grant of the same, He engaging to build a House, settle a Family and clear ten Acres fit for plowing or mowing within the term of five Years.

[Read and]

Resolved That there be, and hereby is granted unto Col^o Jonathan Bagley all that Gore of unappropriated Land belonging to this Province lying between North Yarmouth and the Pejebseut Claim and Prouts; the Gore containing about four hundred Acres, as a Gratuity for his Services in the late War: provided the same doth not interfere with private property or with any former Grant, And Provided he clears ten Acres of said Land fit for plowing or mowing, and build a House twenty feet by eighteen and seven feet Stud, and settle a Family thereon within Six Years, and give Bond of One hundred pounds to the Treasurer of the Province for the performance of the same. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
189.

House Jour-
nal, pp. 265, 266.
Ante, p. 429,
chap. 113.

CHAPTER 284.

RESOLVE ALLOWING £188.7.8½ TO M^r BELCHER HANCOCK.

In the House of Rep^{tes}

It Appearing to y^e House That M^r Belcher Hancock by y^e Burning of Harvard College had Wareing apparrell Household goods & Books to y^e Value of £88.11.2 Consumed in that fire and that he had Silver Utensells to y^e Value of £30.2.8 melted, & Silver money to y^e Value of £69.13.10½ So Much diminished & Damnified as that but Little if Any of it ought to Pass as money and that he also had Securities for money due to him burnt in y^e Same fire.

Resolved That the S^d Silver money & y^e melted Plate That is or may be found be delivered to the Province Treasurer to be by him disposed of to y^e use of y^e Province and that The Said Belcher Hancock be paid out of y^e Publick Treasury the Sum of £188.7.8½ and with regard to y^e Securities Burnt that the Coⁿs¹ thereof be refered to y^e next Session of y^e Gen^l Court

In Council Read and Concurred. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
190. Mass.
Archives,
lviii., 496.

House Jour-
nal, pp. 266, 267.

¹ "Consideration," in Legislative Records of the Council, xxv., 190.

CHAPTER 285.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS STUDENTS AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
190. Mass.
Archives,
lviii., 500^a.

House Jour-
nal, pp. 233, 267.

In the House of Rep^{ues}

It appearing to this House That Several Students at Harvard College had Goods & Chattles Consumed & Destroyed by the Burning of that College. Viz, Timothy Langdon goods & Chattles to y^e Valve of £57.12.0 Sam^l Farrer goods & Chattles to y^e Valve of £15.6.8 Joseph Farrer goods & Chattles to y^e Valve of £13.4.6 Isaac Morrill goods & Chattles to y^e Valve of £14.10.2 & Increase Sumner Jun^r Goods and Chattles to y^e Valve of £16.3.10 Burnt & Destroyed

Resolved That as all y^e Said Sufferers are Infants The Afores^d Valve of y^e Goods & Chattles by the Said Sam^l Farrar & Joseph Farrer Respectively lost be paid out of y^e Publick Treasury to Chambers Russell Esq^r for their use & that y^e aforesaid Valve of the Goods & Chattles lost by y^e Other Sufferers afors^d be paid out of y^e Publick Treasury to their Respective Fathers or Guardians.

In Council

Read and Concurred. [*Passed February 3.*]

CHAPTER 286.

ORDER GRANTING 1,200 ACRES OF LAND TO TIMOTHY PAINE AND JOHN CHANDLER.

Legislative
Records of the
Council, xxv.,
191. Mass.
Archives,
cxviii., 12.

Mass.
Archives,
cxviii., 10.
House Jour-
nal, pp. 170, 265.
Ante, p. 242,
chap. 50.

A PETITION of Timothy Paine and John Chandler Esq^{rs} Setting forth That in June 1762 they purchased of the Government a Township of Land adjoining to Blanford, Westfield and Southampton &c now known by the name of Murrayfield for the sum of £1,500 that upon view of the same they find it to be very uneven and mountainous divided in three parts by three very rapid rocky Rivers. That about 7,500 Acres of the best of the Land was taken up in former Grants, besides which there is a Pond of about 500 Acres greatly detrimental to the purchase; that there were 19 Settlements begun upon the best of the Lands and that to prevent trouble in ejecting the Settlers, they have granted to each of them 100 Acres, and that they have been at great expence in making Roads and Bridges. And Praying that they may be abated part of the purchase money, or that they may have a Grant of a piece of Province Land near or adjoining to said Township as an Equivalent.

Read and

Ordered that twelve hundred Acres of the unappropriated Lands of this Province be granted to the Pet^{rs} and their Associates And that they present a plan thereof to this Court within twelve months from this time for their confirmation. which is in full consideration for the complaints made in the Petition. [*Passed February 3.*]

CHAPTER 287.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

AN ACCOUNT of Samuel Denny Esq^r Treasurer of the County of Lincoln having been laid before this Court for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the balance thereof being Four pounds five shillings and a penny half penny¹ the said County is further accountable to said Treasurer for. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
191.

House Jour-
nal, pp. 11, 227.

CHAPTER 288.

ORDER CONFIRMING 152 ACRES AND 106 RODS OF LAND TO ANDREW BELCHER, ESQ.

ANDREW BELCHER Esq^a having presented a Plan of 152 Acres and 106 Rods of Land, being part of a Gore of Province Land lying within or adjoining to the Town of Abington in the County of Plymouth taken by Jonathan Porter Surveyor, to compleat a Grant of 2,000 Acres made by the General Court, the following Order passed thereon viz^t

Read and

Ordered That the within written Plan be allowed, and the Land therein delineated and described be and hereby is confirmed to Andrew Belcher Esq^r his heirs & Assigns forever. Provided the Plan exceeds not the quantity of the Grant, and dos not interfere with any former Grant. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
191.

House Jour-
nal, p. 268.
Ante, p. 241,
chap. 48; p. 334,
chap. 246;
p. 411, chap. 74.

CHAPTER 289.

ORDER ALLOWING £4 TO REV^d NATHANIEL APPLETON.

Ordered that the Sum of four pounds be granted out of the publick Treasury to the Rev^d Nathaniel Appleton for his Officiating as Chaplain to both Houses since their Session in Cambridge. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
192. Mass.
Archives, xiv.,
337.

House Jour-
nal, pp. 197, 268.

¹ The House Journal, p. 227, reads, "the Ballance thereof being *six Pounds fourteen Shillings and three Pence half Penny.*"

CHAPTER 290.

ORDER CONFIRMING INDIAN LANDS AT FREETOWN.

Legislative
Records of the
Council, xxv.,
192. Mass.
Archives,
xxxiii., 273.

Mass.
Archives,
xxxiii., 269–
275. Legis-
lative Records
of the Council,
xxv., 181.
House Jour-
nal, p. 270.

THE COMMITTEE upon the Affair of the Indian Lands at Free-town, whose Report was recommitted on the first Instant having presented a Plan of the said Lands, and a Schedule of the Lots, and to whom they were severally assigned, the following Order passed thereon viz^t

Read & accepted &

Ordered that the lands aforementioned^d be & hereby are confirmed to the several Persons, agreeable to y^e Report of said Comm^e. [*Passed February 3.*]

CHAPTER 291.

RESOLVE ESTABLISHING THE PROCEEDINGS AT THE TOWN MEETING AT STOCKBRIDGE.

Legislative
Records of the
Council, xxv.,
179. Mass.
Archives,
xxxiii., 257.

Mass.
Archives,
xxxiii., 249–
256. Legis-
lative Records
of the Council,
xxv., 166, 172,
192. House
Journal,
pp. 240, 247, 258,
271. Province
Laws, xii.,
422–3, chaps.
150–1. *Ante*,
p. 409, chap. 69.

THE COMMITTEE to whom was referred several Petitions from a number of the Inhabitants of the Town of Stockbridge representing the disagreeable state they are in with respect to the different Interest of the English and Indians there both as to their civil and religious Affairs, have diligently attended the Service, carefully examined the Papers relative thereto, and especially the Report of the hon^{ble} Committee appointed by this Court at their Session in May last to repair to the said Town of Stockbridge, in which the Facts are so clearly set forth, beg leave to report as their Opinion.

That the first Town Meeting held there on the 21st day of March last was legally called, and that the proceedings therein be by this Court confirmed; and as the Constable chosen at the Meeting aforesaid refused to serve, your Committee are of opinion that the Selectmen be directed to call a Meeting for that purpose, the month of March being elapsed notwithstanding.

Your Committee are further of opinion that the Lease of a certain Tract of Land made by Robert Kusckopot an Indian, to Maj^r Williams for Five hundred Years cannot be justified by the Laws of this Government; and that all other purchases made of the Indians, mentioned in the Report of the honourable Committee who repaired to Stockbridge are illegal, and that no further purchases be made of them but such as are allowed and approved of by this honorable Court.

Finally your Committee are humbly of opinion considering the disagreement between the English and Indians, their different dispositions and manner of conducting their Civil Affairs, that they be seperated into distinct Societies, and that a Bill be brought in for that purpose.

It appearing to the Board That the anniversary Town Meeting held at Stockbridge on the 21 day of March last was legally warned; but that the constable then chosen refused to serve in the Office.

Resolved That the Doings of the said Meeting be established, & that the Selectmen then chosen be empowered to call a Meeting of the Inhabitants in order to choose a Constable, the month of March being elapsed notwithstanding. [*Passed February 3.*]

CHAPTER 292.

ORDER APPOINTING A COM^{TEE} TO EXPLORE LANDS ADJACENT TO M^O DESART RIVER.In the House of Rep^{res}

Ordered that Col^o Gilbert and Maj^r Livermore with such as the Hon^{bl} Board shall Joyn be a Committee to explore the lands mentioned in this report [*ante*, p. 489, chap. 266] the Charge thereof to be defreyed by the sale of one or more of the Islands mentioned

In Council Read & Concur^d & Jn^o Bradbury Esq^r is joined in the Affair. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
192. Mass.
Archives,
cxviii., 25b.

Mass.
Archives,
lxxx., 464.
House Jour-
nal, p. 269.
Ante, p. 489,
chap. 266.

CHAPTER 293.

ORDER ALLOWING £14. 3. 7 TO EB^R BRADISH.

Ordered that the Sum of fourteen pounds three Shillings and seven pence be granted out of the publick Treasury to Ebenezer Bradish for house rent and other expences since the sitting of the House of Rep^{res} at His House. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
192. Mass.
Archives, l.,
191.

Mass.
Archives, l.,
190. House
Journal, p. 269.

CHAPTER 294.

ORDER ALLOWING £9 TO JON^A SPRAGUE.

Ordered That the sum of Nine pounds be granted out of the Public Treasury to Jonathan Sprague for House Rent and other Expences since the Sitting of the hon^{ble} Board at his House. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
192.

House Jour-
nal, p. 269.

CHAPTER 295.

ORDER ALLOWING £9 TO BARTH^O GREEN.

Ordered That the sum of Nine pounds be allowed to M^r Bartholomew Green out of the Public Treasury for his attendance upon the two Houses since their sitting at Cambridge. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
193.

House Jour-
nal, p. 269.

CHAPTER 296.

ORDER ALLOWING £4. 18 TO W^M BAKER.

Ordered that the Sum of four pounds eighteen Shillings be granted out of the publick Treasury to M^r William Baker Doorkeeper in consideration of his goods and chattels lost in the late fire. [*Passed February 3.*]

Legislative
Records of the
Council, xxv.,
193. Mass.
Archives,
lviii., 486a.

Mass.
Archives,
lviii., 486.
House Jour-
nal, p. 270.

CHAPTER 297.

RESOLVE ALLOWING £13. 1. 6 TO JON^A HASTINGS.

Legislative
Records of the
Council, xxv.,
194. Mass.
Archives,
lviii., 500.
House Jour-
nal, pp. 270, 271.

In the House of Rep^{ues}
It Appearing To this House That Jon^A Hastings Esq^r Lost goods
& Chattles to y^e Value of Thirteen pounds One Shilling & Six pence
in y^e Burning of Harvard College.

Resolved That the Said Sum be paid him Out of the Publick
Treasury.

In Council Read & Concurred. [*Passed February 4.*]

CHAPTER 298.

ORDER ALLOWING £8 TO CAPT. GID^N WHITE.

Legislative
Records of the
Council, xxv.,
194.
Mass.
Archives,
lviii., 497.
House Jour-
nal, p. 272.

Ordered That the sum of Eight pounds be granted out of the
Public Treasury to Captain Gideon White in consideration of the
Loss he sustained by exerting himself in an extraordinary manner
for the preservation of Hollis Hall and Stoughton Hall in the late
Fire. [*Passed February 4.*]

CHAPTER 299.

ORDER ALLOWING £11. 15. 10 TO NATH^L BOND.

Legislative
Records of the
Council, xxv.,
195. Mass.
Archives,
lvlii., 499.

Mass.
Archives,
lviii., 498.
House Jour-
nal, p. 273.

Ordered that the Sum of Eleven pounds fifteen Shill^{es} and ten
pence be granted out of the publick Treasury to m^r Dan^l Whitney
for the Use of Nath^l Bond in consideration of the Loss he sustain'd
by the late fire. [*Passed February 4.*]

CHAPTER 300.

Legislative
Records of the
Council, xxv.,
195. Mass.
Archives, l,
193.

House Jour-
nal, p. 272.

ORDER RELATIVE TO THE PAYMENT OF THE MEMBERS OF THE HOUSE.

Ordered That those members of the House that Give their attend-
ance this day, and Being So Certified by the Clerk, the Treasurer
be directed to pay them for to day & to morrow. [*Passed February 4.*]

CHAPTER 301.

ORDER IMPOWERING JN^O PIERCE, ADM^R, TO SELL REAL ESTATE AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
195.

A PETITION of John Pierce of Groton Administrator of the Estate
of Eph^m Reed late of Lancaster deceas'd Setting forth, That the
said Ephraim dyed siezed of a small real Estate consisting of 50

Acres of poor Land with a small House thereon, leaving a Widow and three small Children, the eldest of whom is about 6 years of age. That the deceaseds debts amount to £29.2.11¼ more than his personal Estate. And as the said real Estate will not bear a division, Praying that he may be impowered to make sale of the whole, he to be accountable.

Read and

Ordered That this Petition be granted, and that the Petitioner in his capacity as Administrator be, and he hereby is authorised and impowered to make Sale of the whole of the Real Estate within mentioned for as much as may be, He giving public notice of the time and place of the intended Sale agreeable to the directions of the Law respecting the Sale of Real Estate by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester, that the interest of one third part of the proceeds of such Sale be annually paid to the Widow of the within named deceased for her Support during her natural Life, and that what shall remain of the other two thirds after payment of the deceaseds just debts, be duly distributed and paid to the heirs at Law of said deceased agreeable to Law, as also the principal of the other third part after said Widows decease. And that he account with the Judge of Probate of said County, for the time being, touching his proceedings in the premises when thereunto lawfully required. [*Passed February 4.*]

House Journal, p. 272.
Province
Laws, II., 151,
chap. 10.



RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1764-65.

LEGISLATIVE LIST¹

FOR

1764-65.

HIS EXCELLENCY FRANCIS BERNARD,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,
SECRETARY OF THE PROVINCE.

JOHN COTTON, Esq.,
DEPUTY SECRETARY.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

HON. THOMAS HUTCHINSON	}	ESQRS.	ISRAEL WILLIAMS	}	ESQRS.
BENJAMIN LYNDE			HARRISON GRAY		
SAMUEL DANFORTH			JOHN CHOATE		
ANDREW OLIVER			JAMES RUSSELL		
ISAAC ROYALL			THOMAS FLUCKER		
JOHN ERVING			NATHANIEL ROPES		
JAMES BOWDOIN			TIMOTHY PAINE		
THOMAS HANCOCK			TIMOTHY RUGGLES		
THOMAS HUBBARD			ROYALL TYLER		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

GEORGE LEONARD	}	ESQRS.	PETER OLIVER	}	ESQRS.
GAMALIEL BRADFORD			JAMES OTIS		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

JOHN HILL, NATHANIEL SPARHAWK, JOHN BRADBURY, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc & Nova Scotia ;

WILLIAM BRATTLE, Esq.

¹ See Legislative Records of the Council, xxv., 202-205.

For the Province, at large:—

BENJAMIN LINCOLN & EDMUND TROWBRIDGE, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 30, 1764 to March 9, 1765.*MR. SAMUEL WHITE, SPEAKER.¹

COUNTY OF SUFFOLK.

Boston,² . . . Royall Tyler, Esq.,
 James Otis, Esq.,
 Thomas Cushing, Esq.,
 Oxenbridge Thacher, Esq.

Roxbury, . . . Joseph Williams, Esq.

Dorchester, . . . John Robinson, Esq.

Milton, . . . Andrew Belcher,³ Esq.

Braintree, . . . Capt. Ebenezer Thayer.

Weymouth, . . . James Humphrey, Esq.

Hingham, . . . Mr. Joshua Hersey.

Dedham, . . . Samuel Dexter, Esq.

Medfield, . . . Mr. Seth Clarke.

Stoughton, . . . Mr. Daniel Richards.

Wrentham, . . . Capt. Timothy Metcalf.

Chelsea, . . . Mr. Samuel Floyd.

COUNTY OF ESSEX — *Concluded.*

Boxford, . . . Aaron Wood, Esq.

Danvers, . . . Mr. John Preston.

Topsfield, . . . Mr. Samuel Smith.

COUNTY OF MIDDLESEX.

Cambridge,⁴ . . . Andrew Boardman,
 Esq.,
 Edmund Trowbridge,
 Esq.

Charlestown, . . . Capt. Edward Sheafe.

Woburne, . . . James Fowle, Esq.

Concord, . . . Capt. James Barrett.

Reading, . . . Ebenezer Nichols, Esq.

Newton, . . . Mr. Abraham Fuller.

Marlborough, . . . Mr. Samuel Witt.

Groton,
Shirley & } Capt. Abel Lawrence.
Pepperrell, }

Watertown, . . . Mr. Daniel Whitney.

Billerica, . . . Capt. Enoch Kidder.

Frammingham, . . . Joseph Buckminster,
 Esq.

Lexington, . . . William Read, Esq.

Weston, . . . Mr. Abraham Bigelo.

Chelmsford, . . . Sampson Stoddard, Esq.

Malden, . . . Capt. John Dexter.

Medford, . . . Stephen Hall, Esq.

Sudbury, . . . John Noyes, Esq.

Sherburn, . . . Bela Lincoln, Esq.

Waltham, . . . Mr. Jonas Dix.

Lincoln, . . . Chambers Russell, Esq.

Townshend, . . . Henry Price, Esq.

Westford, . . . Capt. Jonas Prescott.

COUNTY OF ESSEX.

Salem, . . . William Brown, Esq.,
 Andrew Oliver, Jr., Esq.

Ipswich, . . . Doctor John Calef.

Newbury, . . . Joseph Gerrish, Jr., Esq.,
 Capt. Moses Little.

Newbury Port, Daniel Farnham, Esq.

Lynn, . . . Mr. Ebenezer Burrill.

Marblehead, . . . William Bourn, Esq.

Andover, . . . Joseph Frye, Esq.

Beverly, . . . Mr. Henry Herrick.

Rowley, . . . Mr. Thomas Lancaster.

Salisbury, . . . Caleb Cushing, Esq.

Haverhill, . . . Richard Saltonstall, Esq.

Gloucester, . . . Thomas Saunders, Jr., Esq.

Almsbury, . . . Jonathan Bagley, Esq.

Bradford, . . . Benjamin Milliken, Esq.

¹ Thomas Clap, Esq., Speaker Pro tempore, June 11, 1764, in the place of Samuel White, Speaker, who was absent. — House Journal, p. 62.

James Otis, Esq., Speaker Pro tempore, February 4, 1765, in the place of Samuel White, Speaker, who was sick. — House Journal, p. 210.

² Thomas Gray, Esq., chosen Representative of Boston, in the place of Royall Tyler, who was called to the Council. — House Journal, p. 47.

³ Andrew Belcher, Esq., Representative from Milton, appointed Councillor, in the place of Timothy Ruggles of the Colony of the Massachusetts Bay, who declined to accept. — House Journal, p. 68.

⁴ Joseph Lee, Esq., chosen Representative of Cambridge, in the place of Edmund Trowbridge, who was called to the Council. — House Journal, p. 96.

COUNTY OF HAMPSHIRE.¹

<i>Springfield,</i>	.	.	John Worthington, Esq.
<i>Wilbraham,</i>	.	.	Josiah Dwight, Esq.
<i>Northampton,</i>	.	.	Timothy Dwight, Jr., Esq.
<i>Southampton,</i>	.	.	Joseph Hawley, Esq.
<i>Hadley,</i>		}	Mr. Daniel Nash.
<i>South Hadley & Amherst,</i>			
<i>Hatfield,</i>	.	.	Mr. Obadiah Dickenson.
<i>Deerfield & Greenfield,</i>		}	Elijah Williams, Esq.
<i>Westfield,</i>	.		
<i>Sunderland,</i>	.	.	Mr. Fellows Billing.

COUNTY OF WORCESTER.

Worcester, . . .	John Chandler, Esq.
Lancaster, . . .	Mr. David Wilder.
Brookfield, . . .	Jedediah Foster, Esq.
Sutton, . . .	Capt. Henry King.
Rutland and Rutland Dis- trict, }	John Murray, Esq.
Sturbridge, . . .	Moses Marcey, Esq.
Westborough, . . .	Mr. Jonathan Bond.
Southborough, . . .	Mr. Ezra Taylor.
Hardwick, . . .	Timothy Ruggles, Esq.
Shrewsbury, . . .	Artemas Ward, Esq.
Bolton, . . .	John Whetcomb, Esq.
Oxford and Charlton, }	Mr. Josiah Wolcott.
Leicester & Spencer, }	Mr. John Brown.
Harvard, . . .	Peter Atherton, Esq.
Mendon, . . .	Mr. Joseph Dorr, Jr.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	. . .	Thomas Foster, Esq.
<i>Scituate,</i>	. . .	Thomas Clapp, Esq.
<i>Marshfield,</i>	. . .	John Winslow, Esq.
<i>Duxborough,</i>	. . .	Briggs Alden, Esq.
<i>Bridgewater,</i>	. . .	Daniel Howard, Esq.
<i>Middleborough,</i>	. . .	Capt. Ebenezer Sprout.
<i>Rochester,</i>	. . .	Mr. Elisha Barrow.
<i>Plympton,</i>	. . .	Capt. John Bradford.
<i>Pembroke,</i>	. . .	Mr. John Turner.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. .	Mr. Cornelius Crocker.
<i>Sandwich,</i>	. . .	Mr. Stephen Nye.
<i>Eastham,</i>	. . .	Jonathan Doane, Esq.
<i>Harwich,</i>	. . .	Chillingworth Foster, Esq.
<i>Yarmouth,</i>	. .	Mr. David Thacher.
<i>Falmouth,</i>	. .	Thomas Smith, Esq.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . .	Hon. Samuel White, Esq.
<i>Rehoboth,</i>	. . .	Capt. James Clay.
<i>Swansey,</i>	. . .	Jerathmeel Bowers, Esq.
<i>Dartmouth,</i>	. .	Mr. Walter Spooner.
<i>Norton,</i>	. . .	George Leonard, Jr., Esq.
<i>Attleborough,</i>	. .	Mr. Ebenezer Lane.
<i>Freetown,</i>	. .	Thomas Gilbert, Esq.

COUNTY OF YORK.²

York, ... Jonathan Sayward, Esq.
Kittery, . . . Benjamin Parker, Esq.
Wells, ... Joseph Sayer,³ Esq.
Berwick, . . . Benjamin Chadburn,
 Esq.

DUKES COUNTY.

Edgartown, . . . John Norton, Esq.
Tisbury, . . . James Athearn, Esq.

IN THE COUNTY OF NANTUCKET.

Sherburne, . . . Abishai Folger, Esq.

COUNTY OF CUMBERLAND.

Falmouth, . . Samuel Waldo, Esq.
North Yarmouth, Jeremiah Powell, Esq.
Scarborough, . Mr. John Stuart.

COUNTY OF BERKSHIRE.

Sheffield, Great
Barrington, and } John Ashley, Esq.
Egremont,
Tyringham, . . Capt. John Chadwick.

¹ The House Journal, p. 28, gives Daniel Burt, Esq., chosen Representative of the town of Brimfield.

² The House Journal, p. 194, gives Samuel Jordan, chosen Representative of the town of Biddeford.

³ The House Journal, p. 4, reads, Joseph Sawycr, Esq.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTIETH DAY OF MAY, A.D. 1764.

CHAPTER 1.

ORDER CONFIRMING 1,200 ACRES OF LAND TO THE PROPRIETORS OF
MURRYFIELD.

TIMOTHY PAINE AND JOHN CHANDLER Esq^{rs} laid before the Court a Plan of 1,200 Acres of Land granted on the 3^d of February last to the Proprietors of a Township, commonly known by the name of Murrayfield,¹ which 1,200 Acres lyeth on the Westerly side of a Grant made to the Proprietors of Narraganset N^o 4. in the County of Hampshire, and begins at a Hemlock Tree on the North side of Swift River, and runs North by said Grant to Narraganset Proprietors five hundred Rods to a Maple Tree; then running West twenty degrees North three hundred and twenty rods to a Monument of Stones; thence South twenty degrees West four hundred eighty two Rods to a Birch Tree, thence East twenty degrees South straight to the Corner first mentioned, and is bounded East on said Narraganset Grant, North on Hunts Town, and West and South on Province Lands.

Legislative
Records of the
Council, xxv.,
208.

House Journal, p. 13.
Province
Laws, iv., 837,
chap. 23; 869,
note. *Ante*,
p. 498, chap.
286.

Whereupon the following Order passed viz^t

Ordered That the above Plan be accepted; And the Lands herein delineated & described are hereby confirmed to the Proprietors of Murrayfield and their Associates, their heirs & assigns forever. Provided the Plan exceeds not the quantity of the Grant, and does not interfere with any former Grant. [*Passed June 1.*]

CHAPTER 2.

RESOLVE IMPOWERING SAM^l AND THOMAS STEARNS, ADM^{rs}, TO SELL
REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PRO-
CEEDS.

A PETITION of Samuel Stearns and Thomas Stearns Administrators of the Estate of Isaac Stearns late of Lynn deceas'd Intestate, and of several persons, heirs of the said deceased Setting forth, That the debts of the said deceased amount to £21.19.8 more than his personal Estate: That his real Estate consists of seventy Acres of Land; but so situated that it cannot be separated without great

Legislative
Records of the
Council, xxv.,
209.

House Journal, p. 16.
Province
Laws, ii., 151,
chap. 10.

¹ This afterwards became Chester.

damage, but that in order to give each of the heirs his proper share it must be divided into eighteen parts, And Praying that the said Administrators may be impowered to sell the whole, they to be accountable.

[Read and]

Resolved That the Prayer of the Petition be granted and that Samuel Stearns and Thomas Stearns as Administrators to the Estate of Isaac Stearns be and are hereby fully Authorized and impowered to make Sale of the Real Estate of the said Isaac Stearns lying in the Town of Lynn in the County of Essex for the most the same will fetch, and to make and execute a good deed or deeds to the Purchaser thereof, observing the directions in the Law for the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probates for the County of Essex, that the money arising by the Sale thereof shall be applied to the discharging the just debts of the said Isaac Stearns and the Residue, if any, distributed among the several heirs according to Law.

[*Passed June 2.*]

CHAPTER 3.

ORDER REMITTING TO THE TOWN OF SCARBOROUGH £15 FOR NOT SENDING A REPRESENTATIVE.

Legislative
Records of the
Council, xxv.,
210. Mass.
Archives, l.,
202.

House Jour-
nal, pp. 47, 92
(June, 1763);
p. 24. Prov-
ince Laws, iv.,
593, chap. 12;
632, note.

A MEMORIAL of John Stewart of Scarborough in behalf of the said Town Setting forth, That a fine was imposed on the said Town of Fifteen pounds for not sending a Representative in the Year 1762. That a Fire happened in the said year whereby many Houses were burnt, and also a Bridge by means whereof, and of the drought that Year, they were greatly impoverished, And Praying that the said Fine may be remitted.

Read and

Ordered that the Prayer of this Petⁿ be granted and the Pet^r is allowed to recieve the Sum of fifteen pounds out of the publick Treasury for the Use of said Town accordingly. [*Passed June 4.*]

CHAPTER 4.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF SUFFOLK AND ALLOWING £2. 16 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
210.

House Jour-
nal, pp. 19, 20.
Ante, p. 464,
chap. 212.

THE COMMITTEE appointed to farm out the duties of Excise on Tea Coffee and China Ware for the County of Suffolk made report that they had Sold the same to M^r John Cotton for £860 for which Sum they had taken Bond, and delivered the same to the Province Treasurer.

Read and Accepted, and

Ordered That the Committee be allowed out of the public Treas-ury Two pounds, sixteen shillings for their expences in this Affair. [*Passed June 4.*]

CHAPTER 5.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF BRISTOL AND ALLOWING £1. 15. 6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware for the County of Bristol made report that they had sold the same to Thomas Cobb for Twenty four pounds, for which Sum they had taken Bond and delivered the same to the Province Treasurer

Read and Accepted and

Ordered that the Comm^{ee} be allowed out of the publick Treasury One pound fifteen Shill^{es} and Six pence for their expences in the affair. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
211. Mass.
Archives, cxx.,
466.

House Jour-
nal, p. 20.
Ante, p. 467,
chap. 225.

CHAPTER 6.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING £1. 4 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea Coffee and China Ware in the County of Worcester made report that they had sold the same to Gardiner Chandler for Sixty four pounds, for which Sum they had taken Bond and delivered the same to the Province Treasurer.

Read and Accepted and

Ordered that the Com^{ee} be allowed out of the publick Treasury one pound four shillings for their expences in this Affair. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
211. Mass.
Archives, cxx.,
465.

House Jour-
nal, p. 20.
Ante, p. 467,
chap. 224.

CHAPTER 7.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF YORK AND ALLOWING £2. 12. 10 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, coffee and China Ware in the County of York made report that they had sold the same to Waldo Emerson for £43.10/ for which they had taken Bond and delivered the same to the Province Treasurer.

Read and Accepted and

Ordered that the Com^{ee} be allowed out of the publick Treasury two pounds twelve Shillings and ten pence for their expences on the Affair. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
211. Mass.
Archives, cxx.,
465.

House Jour-
nal, p. 21.
Ante, p. 465,
chap. 218.

CHAPTER 8.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF CUMBERLAND AND ALLOWING £1. 7. 4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
211.

House Jour-
nal, p. 21.
Ante, p. 466,
chap. 221.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea Coffee and China Ware in the County of Cumberland made report that they had sold the same to Jedediah Prebble Esq^r for Seventy three pounds ten shillings, for payment whereof they had taken Bond and delivered the same to the Province Treasurer.

Read and Accepted. And

Ordered That the Committee be allowed out of the Publick Treasury One pound seven shillings and four pence for their Expences on the Affair. [*Passed June 4.*]

CHAPTER 9.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING £2. 4. 2 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
212.

House Jour-
nal, p. 20.
Ante, p. 464,
chap. 213.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea, coffee and China Ware in the County of Essex made report that they had sold the same to M^r Jonas Cutler for Four hundred and twenty six pounds, for payment whereof they had taken bond, and delivered the same to the Province Treasurer.

Read and Accepted. And

Ordered that the Committee be allowed out of the Publick Treasury the Sum of Two pounds four shillings and two pence for their Expences in this Affair. [*Passed June 4.*]

CHAPTER 10.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £2. 19. 8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
212.

House Jour-
nal, p. 20.
Ante, p. 465,
chap. 216.

THE COMMITTEE appointed to Farm out the duties of Excise on Tea, coffee and China Ware for the County of Plymouth made report that they had sold the same to Major Joseph Josslyng for One hundred and seventy eight pounds, for payment whereof they had taken bond, and delivered the same to the Province Treasurer

Read and Accepted. And

Ordered that the Committee be allowed out of the Public Treasury Two pounds, nineteen shillings and eight pence for their Expences in this Affair. [*Passed June 4.*]

CHAPTER 11.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, coffee and China Ware in the County of Hampshire made report that they had sold the same to Mr Elisha Porter for the sum of Twenty seven pounds, for payment whereof they had taken bond and delivered the same to the Province Treasurer.

Read and Accepted. And

Ordered That the Committee be allowed out of the Public Treasury the Sum of Twelve shillings for their expences in this Affair. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
212.

House Jour-
nal, p. 20.
Ante, p. 464,
chap. 215.

CHAPTER 12.

RESOLVE IMPOWERING MARY WALKER, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Walker Widow and Administratrix of Edward Walker late of Brookfield Yeoman deceased, Setting forth That she presented her Petition to the General Court at their last Session, praying that She might be enabled to make Sale of the Real Estate of her said Husband, the personal Estate not being sufficient to pay his debts, and his Estate being represented insolvent. Whereupon an order passed in the form following viz^t That the prayer thereof be granted, and the Petitioner in her said capacity is accordingly impowered to make sale of the whole of the Land therein mentioned for the most the same will fetch and to make and execute a good deed or deeds thereof, She observing the directions of the Law respecting the Sale of Real Estates by Exeutors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that She will duly pay the debts of the said deceased, and the Overplus shall be distributed agreeable to Law, Which Petition and other Papers accompanying the same were consumed by the late burning of Harvard College, And Praying that the said Order may be renewed and confirmed.

Read and

Resolved That the Prayer of this Petition be granted: and the Order therein referred to be and hereby is renewed and confirmed as fully as if the original Petition, Order thereon and Papers accompanying the same had not been lost. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
212.

Legislative
Records of the
Council, xxv.,
130. House
Journal, p. 196
(January,
1764); p. 19.

CHAPTER 13.

RESOLVE IMPOWERING CHARLES DORETY, EXECUTOR, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Charles Dorety Executor of the last Will & Testament of his mother Jane Dorety late of Brookfield Widow deceased Setting forth, That in her last Will she gave all her personal Estate

Legislative
Records of the
Council, xxv.,
213.

Legislative
Records of the
Council, xxv.,
129. House
Journal, p. 196
(January,
1764); p. 19.
Province
Laws, II., 151,
chap. 10.

to her daughter Jane, and the Real Estate to the Petitioner and his Brother Micah a minor, subject nevertheless to the payment of debts and legacies: That the Petitioner as Guardian to his said Brother petitioned the Great and General Court at their last Session that they would enable him to sell the said Micah's part of the Real Estate, the whole being but one small Tenement with about 35 Acres of Land which cannot be divided without spoiling the whole. Whereupon the following Order passed viz'

Resolved That the Prayer of said Petition be granted, and the Petitioner is accordingly impowered to make Sale of the whole of the Land therein mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds thereof, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester that he will duly pay the debts and Legacies in his said Petition mentioned, and the remainder thereof shall be equally divided between the Petitioner and his Brother Micah agreeable to their mothers Will. Which Petition and Order and all Papers relative thereto were consumed in the late burning of Harvard College. And Praying that the said Order may be confirmed.

Read and

Resolved That the Prayer of this Petition be granted, and the Order therein referred to be, and hereby is confirmed as fully as if the original Petition, Order thereon, and Papers relative thereto had not been lost. [*Passed June 4.*]

CHAPTER 14.

RESOLVE ANNEXING LAND OF JAMES BROWN IN THE DISTRICT OF PALMER TO THE TOWN OF WESTERN.

Legislative
Records of the
Council, xxv.,
214.

Legislative
Records of the
Council, xxiv.,
514; xxv., 116.
House Jour-
nal, pp. 163, 164
(January,
1764); pp. 18, 19.

A PETITION of James Brown of Western Setting forth That upon his Petition [in regard to the annexation of land lying in Palmer to Western] presented to the General Court in January 1763, the following Order passed 5th January 1764 viz' Read again, and it appearing that the District of Palmer hath been duly notified of the prayer of this Petition, and have offered no reasons why the same should not be granted.

Ordered That the Petitioners Land lying in the District of Palmer as set forth in the Petition be annexed to the Town of Western, the Petitioner and his Estate to do duty and receive priviledge in Western accordingly. Which Petition and Order and papers accompanying the same were burned with Harvard College. And Praying that the said Order may be confirmed.

Read and

Resolved That the Prayer of this Petition be granted, and the Order therein referred to be, and hereby is confirmed as fully as if the original Petition and Order thereon, and Papers relative thereto had not been lost. [*Passed June 4.*]

CHAPTER 15.

ORDER OF NOTICE ON THE PETITION OF THE SELECTMEN OF SUNDERLAND IN REGARD TO TAXES.

A MEMORIAL of the Selectmen of Sunderland Setting forth That they are informed that the District of New Salem hath applied to this Court for a reimbursement of the Pay of a Representative put to said District for sundry years by an Act of Assembly, whilst in connection with the Town of Sunderland; and that they have thereupon obtained an Act of this Assembly for such reimbursement, which either is, or is likely to be laid on the Town of Sunderland, altho' they have been always notified to join in the choice, and have constantly had the benefit of the Representative chosen, whenever they have had any particular concerns depending. And praying that the Town of Sunderland may be freed from the charge of any such Reimbursement.

Read and

Ordered That the Petitioners serve the Clerk of the District of New Salem with a Copy of this Petition that they shew cause, if any they have, on the second Wednesday of the next Session of this Court why the Prayer thereof should not be granted. And that the Province Treasurer be directed not to make any addition to the Province Tax of Sunderland or Montague for the reimbursement made to the said Precinct of New Salem till the further Order of this Court. [*Passed June 4.*]

Legislative
Records of the
Council, xxv.,
215.

House Jour-
nal, pp. 15, 18.
Province
Laws, iv., 783,
note. *Ante*,
p. 448, chap.
165.

CHAPTER 16.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

In the House of Rep^{ues}

The House considered the Pet^{ns} of sick and wounded soldiers and pass'd the following Orders Viz

Ordered that the Sum of Nine pounds be granted out of the publick Treasury to Danⁱ Farnham Esq^r for the Use of Moses Hoyt in full To Danⁱ Howard Esq^r three pounds four shillings for the Use of Jacob Kieth in full To James Otis Esq^r three pounds for the Use of Eleanor Stirges in full To James Otis Esq^r five pounds for the Use of Seth Stuart in full To James Otis Esq^r four pounds seventeen shillings for the Use of Jonathan Hallet in full To James Otis Esq^r five pounds for the Use of Susanna Cobb in full.

In Council Read and Concurred [*Passed June 5.*]

Legislative
Records of the
Council, xxv.,
216. Mass.
Archives,
lxxx., 518.

Mass.
Archives,
lxxx., 469, 471,
472, 486, 489, 504.
House Jour-
nal, p. 26.

CHAPTER 17.

RESOLVE IMPOWERING EZ^L SOULE, ADM^S, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
217.

House Jour-
nal, p. 26.
Province
Laws, II., 151,
chap. 10.

A PETITION of Ezekiel Soule Administrator of the Estate of David Delano of Duxborough Setting forth That the said Estate is insolvent. And Praying that he may be impowered to make sale of the deceaseds Real Estate for the payment of his debts so far as the same will extend.

[Read and]

Resolved That the Prayer of the Petition be granted; and that the said Ezekiel Soule in his capacity of Administrator be, and hereby is impowered to make sale of the Real Estate of David Delano deceased in the Petition mentioned for the most the same will fetch, and to pass and execute a good deed or deeds thereof to the Purchaser or Purchasers, he observing the direction of the Law relative to the Sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Plymouth that the money arising by said Sale be applied to the payment of the debts of the deceased, so far as the same will extend. [*Passed June 5.*]

CHAPTER 18.

RESOLVE CONFIRMING THE PROCEEDINGS OF A TOWN MEETING AT TEMPLETON.

Legislative
Records of the
Council, xxv.,
217.

House Jour-
nal, p. 28.

A PETITION of Charles Baker in behalf of the Selectmen of Templeton, Setting forth, That at their annual Town meeting in march last, there being no Justice of the Peace in the said Town, the Town Clerk then chosen was sworn into that Office by the former Clerk, and then all the other Officers were sworn by the new elected Town Clerk, and have thereupon acted in their respective Capacities, and praying that to remove all doubts, as some have arisen, that the Proceedings of such Officers may be declared valid.

[Read and]

Resolved That the Power and Proceeding of the Assessors chosen at the annual meeting in March last in said Templeton shall be good and valid to all intents and purposes notwithstanding the new Clerk was sworn by the former Clerk, and not by the Moderator of said Meeting as set forth in said Petition. [*Passed June 5.*]

CHAPTER 19.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF NANTUCKET AND ALLOWING £1. 7. 8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
221. Mass.
Archives, cxx.,
468.

THE COMMITTEE appointed to farm out the duties of Excise on Tea Coffee and China Ware for the County of Nantucket made report that they had sold the same to Thomas Arthur for Twenty pounds thirteen shillings and four pence and taken Bond to secure

the payment of said sum, which they had delivered to the Province Treasurer

Read and Accepted and

Ordered that the Comm^{ee} be allowed out of the publick Treasury the Sum of one pound seven Shill^{gs} and eight pence for their expences on this Affair. [*Passed June 6.*]

House Jour-
nal, p. 33.
Ante, p. 466,
chap. 220.

CHAPTER 20.

RESOLVE IMPOWERING ELIJAH DAMON & LUCY HIS WIFE, JOSEPH HUBBARD, AND AMOS HEYWOOD, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elijah Damon and Lucy his Wife aged about 20 Years, Joseph Hubbard Guardian to Elisabeth How, Amos Heywood Guardian to Ruth How and Rebecca How; the said Lucy, Elisabeth, Ruth and Rebecca being minors, and only Children and heirs of Israel How late of Rutland deceased Intestate Setting forth, That the said deceaseds Real Estate lyeth in Rutland and was apprizd at Four hundred and forty two pounds one third part whereof hath been set off to the Widow as her Dower; and that the remaining two thirds is incapable of being divided to advantage being fit only to make one Settlement. And Praying leave to make sale of the said Estate, they to be accountable.

[Read and]

Resolved That the Prayer of this Petition be so far granted as that the within named Elijah Damon and Lucy his Wife, and the said Joseph Hubbard and Amos Heywood in their capacity be, and they hereby are impowered to make Sale of two thirds of the Real Estate within mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same to the purchaser or purchasers, they observing the directions of the Law relative to the Sale of Real Estate by Executors and Administrators and giving sufficient Caution to the Judge of Probate for the County of Worcester that the money arising by said Sale be applied in the following manner namely one third for the use of the said Elijah Damons and Lucy his Wife and the other two thirds be put on interest for the use of the said Elisabeth Rnth and Rebecca How, and both Principal and Interest paid them when they respectively arrive at the age of eighteen Years or day of Marriage if that should happen first. [*Passed June 6.*]

Legislative
Records of the
Council, xxv.,
223.

House Jour-
nal, p. 34.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 21.

RESOLVE IMPOWERING TIM^o ROCKWOOD, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Timothy Rockwood Administrator of the Estate of George Denning late of Mendon deceased Setting forth, That the said Estate is represented insolvent: And praying leave to make sale of the deceaseds Real Estate in order to make a dividend of the produce thereof among the Creditors.

[Read and]

Legislative
Records of the
Council, xxv.,
224.

House Jour-
nal, p. 34.
Province
Laws, ii., 151,
chap. 10.

Resolved That the Prayer of the Petitioner be granted, and that the said Petitioner in his capacity of Administrator be, and hereby is impowered to make sale of the Real Estate within mentioned for the most the same will fetch, and to pass and execute a good deed or deeds thereof to the Purchaser or Purchasers, he observing the direction of the Law relative to the Sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Worcester that the money arising by said Sale be applied to the payment of the debts of the said deceased so far as it will extend. [*Passed June 6.*]

CHAPTER 22.

RESOLVE IMPOWERING B. HAMMOND & JN^o STONE, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
224.

House Jour-
nal, pp. 33, 34.
Province
Laws, II., 151,
chap. 10.

A PETITION of Benjamin Hammond and John Stone Guardians to the Children of Timothy Parker late of Holliston deceased being Six daughters all Minors Setting forth That one third part of the deceaseds Real Estate is set off to Keziah Parker his Widow, that the remaining two thirds consists of part of the Dwelling House and Barn with some improveable Lands and some Outlands containing about Sixty Acres, which is incapable of a division to advantage; and as it is, rents but for little, and as one daughter is already married, and the others may soon want their Portions, Praying leave to make Sale of the two thirds of the deceaseds Real Estate as aforesaid for the benefit of the concerned.

[Read and]

Resolved That the Prayer of the Petition be granted, and that the Guardians within named be and hereby are fully impowered in their said capacity to make Sale of the Real Estate within mentioned for the most the same will fetch, and execute a good deed or deeds in the Law for conveying the same: the Petitioners observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving due Caution to the Judge of Probate for the County of Middlesex that the money arising by said Sale be applied to the use of the Children mentioned in the Petition. [*Passed June 6.*]

CHAPTER 23.

ORDER ALLOWING £7 ANNUALLY TO JOS. HEATH.

Legislative
Records of the
Council, xxv.,
226. Mass.
Archives,
lxxx., 503.

Mass.
Archives,
lxxx., 502.
House Jour-
nal, p. 39.

A PETITION of Joseph Heath of Roxbury Setting forth, That he enlisted as a Soldier in the Pay of the Province in 1755, that he was in the detachment under Col^o Ephraim Williams in the Fight with General Dieskau and was there shot thro' the Body, a musket Ball that entered his Breast coming out at his Back; and that He was again wounded with a Charge of Buck Shot; of which Wound he hath not to this day so recovered as to earn his Living by hard labour; and being poor prays the compassionate consideration of this Court.

Read and

Ordered that the sum of Seven pounds be annually paid to the Pet^r out of the publick Treasury as a Pension during the pleasure of this Court in consideration of his Sufferings mentioned. [*Passed June 6.*]

CHAPTER 24.

RESOLVE IMPOWERING W^m PARKMAN TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Parkman of Boston Setting forth, That one Benjamin Goodwin of said Boston Bricklayer dyed about 45 Years since siezed of a certain Messuage at the extreme North end of the said Town with between 20 and 30 feet of Flatts before it and a priviledge in a passage way which Estate he devised by Will to his Wife Frances during life, and after her death to his Brother Nathaniel Goodwin, and his Sisters Mary Hudson, Hannah Parkman and Elisabeth White. That the Petitioner in right of his Wife the said Hannah, and as Executor to the said Elisabeth White represents one half the Interest; and the said Nathaniel Goodwin and Mary Hudson are dead leaving Children and Grandchildren, some of whom are minors and other some have impowered the Petitioner to make Sale of the premises and that Frances the Widow of the said Benjamin Goodwin hath quitclaimed her Right therein. That the said Messuage is now tumbled down, and the whole worth but about £40 or £50 And Praying that he may be enabled to make Sale thereof, he to be accountable.

Legislative
Records of the
Council, xxv.,
226.

House Jour-
nal, p. 37.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Petitioner William Parkman be, and hereby is impowered to sell the Real Estate mentioned in the above Petition for the most it will fetch, and to execute a good deed or deeds for the same, he observing the directions of the Law respecting the Sale of Real Estates, and giving caution to the Judge of Probate for the County of Suffolk to account for the proceeds of said Sale to all interested therein. [*Passed June 6.*]

CHAPTER 25.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF W^m ARBUTHNOT IN REGARD TO THE RE-HEARING OF AN ACTION.

A PETITION of William Arbuthnot of Rutland Setting forth, That He was sued at Cambridge Court by one Ebenezer Marrow of Medford for the Sum of £12.14.4 Lawful money: that as he was coming to defend the Action he heard that the business of said Court was referred over to Concord Court, and so did not proceed on his Journey; but he since understands that Execution is out against him for said Sum; and having the said Marrows receipts for the greater part of it, He prays that Execution may be stayed, and that he may be allowed a Rehearing of the Cause.

Legislative
Records of the
Council, xxv.,
227.

House Jour-
nal, p. 36.

[Read and]

Ordered That the Petitioner serve the adverse Party with a Copy

of this Petition, that he shew cause, if any he hath why the Prayer thereof should not be granted on the second Tuesday of the next Sessions of this Court and that the Execution be stayed in the meantime. Provided the Petitioner give Bond to the Sheriff of the County of Middlesex or Worcester, to pay such Sum as shall finally be adjudged due together with the lawful Interest for the same. [*Passed June 6.*]

CHAPTER 26.

ORDER CONFIRMING A TOWNSHIP GRANT^d TO CAP: HENRY YOUNG BROWN.

Legislative
Records of the
Council, xxv.,
228. Maps and
Plans, Mis.,
xiii., 21.

Maps and
Plans, Mis.,
xiii., 21.
House Jour-
nal, p. 33.
Ante, p. 466,
chap. 223.

THIS PLAN of a Township of Land of the Contents of six miles square, Granted to Henry-Young Brown and by Him laid out on Each side of Saco River above Col^o Joseph Fries Township Bounded firstly to a Beach Tree marked being the west Corner bound of said Frye's Township, Thence North seventy seven Deg^s west (by the needle & crosing said River) one thousand three hundred & ten Rods to a fir Tree marked standing two hundred and fourteen Rods westward from the place where the line Crosseth the aforesaid River, Thence South eight Deg^s west two thousand six hundred and twenty five Rods to a white pine Tree marked. Thence North seventy eight Deg^s East three thousand three hundred and thirty Rods to the south Corner of said Fries Township, Thence North forty five Deg^s west two thousand two hundred and seventy two Rods to the first Bound, was presented for acceptance and accordingly

Ordered that it be and hereby is accepted, and the Land therein Contain'd is Confirmed unto Him the said Henry-Young Brown His Heirs and Assigns forever. He Complying with the Conditions of the original Grant, saving only his Settling fifty nine Families instead of Sixty, within the time therein Limited.

Provided the same doth not Exceed the Quantity of six miles square Exclusive of the allowances for Ponds, Rivers, Bogs, broken-Mountains and Sag of Chaine, nor Interfeers with any former Grants. [*Passed June 7.*]

CHAPTER 27.

VOTE APPOINTING A COMMITTEE ON PET^s OF THO^s AIREY IN REGARD TO LANDS.

Legislative
Records of the
Council, xxv.,
228.

Legislative
Records of the
Council, xxv.,
116. House
Journal, p. 15.
Ante, p. 403,
chap. 53; p. 480,
246.

THE FOLLOWING ORDER passed on the Petition of Thomas Airey [*ante*, p. 480, chap. 246.] In Council Whereas it appears that Captain Thomas Airey is willing that a Committee be appointed to take a Survey, at his own cost and charge, of the Lands mentioned in his Petition lying on the Island Chapaquidick, and to make inquiry into the present value thereof, and what their value was when said Airey purchased them, and also the purchase considerations. Therefore

Voted That William Brattle Esq^r with Such as the honourable House shall join be a Committee to repair to said Lands for the purposes aforesaid, and that the said Airey may have the like favour with the other Petitioners who have illegally purchased Lands on

said Island, and that a Settlement be made with him as may be made with them, the Committee to make Report to this Court for the Purposes aforesaid, the whole to be at the charge of the said Airey. In the House of Representatives; Read and Concurred and Mr Foster of Plymouth and Captain Howard are joined in the Affair. [*Passed June 7.*]

CHAPTER 28.

RESOLVE IMPOWERING NATH^L STURGIS, EXECUTOR, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Nathaniel Sturgis of Barnstable Executor of the last Will of Samuel Sturgis of said Barnstable deceased, Setting forth, That the said deceaseds personal Estate falls short of the amount of his just debts the Sum of £56.6.2. And Praying leave to make sale of so much of his Real Estate, as will enable him to discharge the said debts.

[Read and]

Resolved That the Prayer of the Petition be so far granted as that the Petitioner in his capacity of Executor be and hereby is authorized and empowered to make Sale of so much of the Lands mentioned as will be sufficient to pay the just debts of the deceased, for the most the same will fetch, and to execute a good deed or deeds in the Law for the same; he observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient Security to the Judge of Probate for the County of Barnstable that the proceeds arising by said Sale be applied to the purpose mentioned in the Petition. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
229.

House Jour-
nal, p. 42.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 29.

RESOLVE IMPOWERING ABIG^L MOHEAG, INDIAN, TO SELL REAL ESTATE.

A PETITION of Abigail Moheag of Natic, Indian Widow, Setting forth, That she is now 64 years of Age, and about two years ago had a long Fever which brought her into an ill state of health, occasioning much Charge, and taking her off from her labour: That she hath a Freehold in Lands but no House to live in, nor hath She any but remote relations: And Praying that She may be enabled to make Sale of so much of her Real Estate as the Guardians of the Natic Indians shall think necessary in order to pay her debts and build a small Log House for her to live in.

[Read and]

Resolved that the Prayer of this Petition be Granted & that the Petitioner Abigail Moheag be & hereby is Impowered by & with the Advice & Consent of the Gaurdians of Natick Indians, [to] make Sale of So much of her Reall Estate as shall be sufficient for the Purposes mentioned in said Petition, and that the Said Guardians take care that it be so applied & for no other purpose whatsoever. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
231. Mass.
Archives,
xxxiii., 301.

Mass.
Archives,
xxxiii., 300.
House Jour-
nal, p. 43.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 30.

RESOLVE SETTING ASIDE A JUDGMENT AGAINST WILL^M BULLOCK AND GRANTING A NEW TRIAL.

Legislative
Records of the
Council, xxv.,
232.

Ante, p. 437,
chap. 134.

THE FOLLOWING ORDER passed on the Petition of William Bullock, Praying that a Judgment obtained against him in the County of Nantucket by one Nathaniel Winchester may be superseded, as neither of the Parties lived in that County, and the petitioner was prevented attending by contrary Winds and other Accidents, and that Execution thereon may be stayed,

It appearing that the Adverse Party hath been duly served with a Copy of this Petition, and no answer having been returned thereto.

Resolved that the Judgment referred to be, and hereby is declared null and void, and that the Petitioner have liberty to reenter said Action at the next Inferior Court of Common Pleas to be holden at Sherburne in the County of Nantucket and defend himself against the Suit aforesaid in like manner as he might have done at the Court in the aforesaid Petition mentioned, and that the said next Inferior Court of Common Pleas be and hereby is impowered to admit and receive the Petitioners Pleas, and give Judgment thereon accordingly, the Default and Judgment aforesaid notwithstanding; and that the Execution on said Judgment be stayed in the mean time, provided the Petitioner give Sufficient Security to the Sheriff of the County of Bristol to pay such Sum or Sums of Money as shall be finally recovered against him and Interest, and that the adverse Party, Nathaniel Winchester be served with a Copy of this Petition and Order thereon, fourteen days before the sitting of said Court.¹ [*Passed June 7.*]

CHAPTER 31.

RESOLVE DESIRING THE GOVERNOR TO APPOINT SURVEYORS OF LANDS EASTWARD.

Legislative
Records of the
Council, xxv.,
232. Mass.
Archives,
xlv., 488.

Legislative
Records of the
Council, xxv.,
225. House
Journal, p. 44.
Ante, p. 489,
chap. 266.

Resolved That His Excellency be desired & impowered to appoint a suitable Surveyor or Surveyors, to survey the Country for Six Miles of Latitude above the North Line of the new Townships, on the East Side of Mount Desert, or Union River, agreeable to a Resolve of the General Court on the 31st of January last and that the Surveyor or Surveyors so appointed give Notice to the Proprietors of the Six Townships mentioned in said Resolve, that they may join in running the Lines between their Lands & those of the Government, or in any other Lines mentioned in s^d Resolve And in Case the Proprietors of the said Six Townships refuse or neglect to join in taking the Survey as aforesaid, said Surveyor or Surveyors to proceed without said Proprietors to do that Duty, & to keep an Account of the Expence that arises for that Part that concerns the said Six new Townships, and of that which only concerns the Province and that the Expence of the Survey be borne in such Manner as the General Court shall hereafter order. [*Passed June 7.*]

¹ Not found in the House Journal.

CHAPTER 32.

RESOLVE GRANTING WITH NOTICE THE PETITION OF SIMON STONE AND OTHERS TO BE SET OFF FROM BELCHER-TOWN TO GREENWICH.

A PETITION of Simon Stone and Others of Belcher Town, Setting forth, That they are situated very incommodiously to enjoy privilege at Belcher Town, they living from 4 to 8 miles distant from the meeting House, whereas they are much nearer to the meeting House at Greenwich, which the Town of Belcher Town are so sensible of, that upon their application, the said Town have voted them off to Greenwich provided this Court shall approve thereof. And praying that they may be set off accordingly.

[Read and]

Resolved That the prayer of the Petition be so far granted that the Lands lying East of the line hereafter described part of Belcher-town viz^t beginning where the West Line of James M^cClewers Land he bought of some of the heirs of Cap^t Roswell Saltonstall deceased meets with the Westerly line of Greenwich and running in said M^cClewers West line to the Northwest Corner of his said Land, and from thence in a direct line to the South west corner of Eight hundred Acres of Land set off from said Saltonstall's Range to M^r Elisha Hedge, claiming and holding under the hon^{ble} Will^m Brattle Esq^r and in the West Line of said Eight hundred Acres to the Northwest corner thereof, and from said Northwest corner in a direct Line to the Southwest corner of fifty Acres of Land, Jacob Gibbs some time since bought of M^{rs} Rebecca Hawley and the Rev^d Jonathan Edwards deceas'd, and in the West line of said Fifty Acres to Pelham Line be annexed to the Town of Greenwich; and that the Inhabitants that now do, or may hereafter dwell on any part of said Lands do duty and enjoy privileges in the said Town of Greenwich until the end of the next Session of this Court, and that the Petitioners serve the Proprietors, Resident and Nonresident of the Lands within the described Limits with a Copy of this Petition and Resolve, that they may shew Cause, if any they have, on the second Wednesday of the said Session why the said Lands and Inhabitants should not be finally annexed to the Town of Greenwich. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
233.

House Jour-
nal, p. 43.
Post, p. 604,
chap. 221.

CHAPTER 33.

ORDER REMITTING TO THE TOWN OF LEICESTER AND THE DISTRICT OF SPENCER £15 FOR NOT SENDING A REPRESENTATIVE.

A PETITION of John Brown Agent for the Town of Leicester and District of Spencer Setting forth, That a Fine was laid upon them of fifteen pounds for not sending a Representative to Court the last year: And as the said Town of Leicester was that year at the expense of settling a minister, and their Charge for repairing the Great Road was uncommonly great, Praying that the said Fine may be remitted.

Read and

Ordered that the prayer of the Petⁿ be granted and that the Pet^r be allowed to receive the Sum of fifteen pounds out of the publick Treasury for the Use of said Town accordingly. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
234. Mass.
Archives, l.,
200.

Mass.
Archives, l.,
199. House
Journal, p. 44.
Province
Laws, iv., 695,
note.

CHAPTER 34.

RESOLVE IMPOWERING REUB^N LEONARD AND ELEANOR COLEMAN, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
234.

House Jour-
nal, pp. 45, 46.
Province
Laws, ii., 151,
chap. 10.

ON THE PETITION of Reuben Leonard and Eleanor Colman Administrators on the Estate of Jonathan Leonard late of Springfield deceased.

Resolved That the said Administrators in that capacity be, and hereby are impowered to make Sale of part of the Real Estate of the deceased viz^t to the value of thirty six pounds in order for the payment of debts due from said Estate and to defrey the charges of selling said Estate and for the support and Education of the said Children; they first conforming to the directions of the Laws of this Province respecting the Sale of Estates by Executors and Administrators and giving sufficient Security to the Judge of Probate &c for the County of Hampshire to apply the said Sum so raised to the purposes beforementioned, and to render him an Account thereof, whenever they shall be thereto required. [*Passed June 7.*]

CHAPTER 35.

RESOLVE ALLOWING £200 TO THE TOWN OF PLYMOUTH.

Legislative
Records of the
Council, xxv.,
234. Mass.
Archives,
cxviii., 33.

Mass.
Archives,
cxviii., 31.
Legislative
Records of the
Council, xxiv.,
235, 238, 578.
House Jour-
nal, pp. 17, 18,
44, 45. Prov-
ince Laws, iv.,
867, note.

A PETITION of Thomas Foster Esq^r Agent for the Town of Plymouth, Setting forth, That in the Year 1762, they preferred a Petition to the General Court, representing the danger of the Harbour in said Town being ruined by the Breaches made by the Sea on the Beach which is the Security of the said Harbour; that a Committee was thereupon appointed to view the same, who reported that it would require Four hundred pounds to secure the said Beach, two hundred pounds whereof they were of opinion should be paid by the Government provided the Town of Plymouth raised and applied two hundred pounds more for that purpose; which Report was continued over to the Session of the General Court in December last, when the Petition and Papers were burnt with the College: Since which the said Beach has been greatly dammified by a heavy Storm in April last. And Praying that the matter may be now considered, and Relief granted.

In the House of Representatives

Read and

Resolved, That the Sum of two Hundred Pounds be allowed and paid out of the publick Treasury to the Petitioner, for the Use of the said Town, to enable them to repair and secure the Beach and Harbour mentioned in this Petition. and that the said Town of Plymouth render an Account to the Great and General Court of the said monies; and that M^r Otis and M^r Witt with such as the honorable Board shall join be a Committee to repair to the Beach and Harbor mentioned in the Petition, report what the whole Cost thereof will amount to, and what Part of it shall be born by the Province, and what by the said Town of Plymouth.

In Council Read and Concurd and James Otis Esq is joined in the Affair. [*Passed June 7.*]

CHAPTER 36.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

AN ACCOUNT of John Choate Esq^r Treasurer for the County of Essex being laid before the Court for allowance, the following Order passed thereon viz^t Upon reading the within Account of the Treasurer for the County of Essex and finding the same right cast and well vouch^t. Therefore

Ordered That the said Treasurer be discharged of the Sum of Seven hundred and forty nine pounds sixteen shillings and three pence which he has paid by order of the Court of Session in said County: And that a ballance of the Sum of Six hundred and seventy pounds and eleven pence farthing due to the County he be further accountable for. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
235.

House Jour-
nal, pp. 12, 38.

CHAPTER 37.

RESOLVE IMPOWERING ELIJAH HOW, EXECUTOR, TO SELL REAL ESTATE TO PAY DEBTS.

A PETITION of Elijah How, Executor of the last Will and Testament of Jaazaniah How late of Leicester, yeoman deceased Setting forth, That the debts and Funeral charges of the deceased amount to £92.9.10 more than his personal Estate. And Praying that he may be impowered to make Sale of so much of the Real Estate, as may be sufficient to enable him to discharge the said Debts.

[Read and]

Resolved That the Prayer of this Petition be granted, and that the Petitioner be, and hereby is fully authorized and impowered in his said capacity to make Sale of so much of his Testators Real Estate as shall be sufficient to pay his just debts, Funeral Charges and charges of Sale, and to execute a good deed or deeds in law of the same, observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester, that the money arising by said Sale shall be truly applied to the purposes aforesaid. [*Passed June 7.*]

Legislative
Records of the
Council, xxv.,
235.

House Jour-
nal, p. 46.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 38.

RESOLVE IMPOWERING RUBIE BLISS, EXECUT^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Rubie Bliss, Executrix of the last Will and Testament of Henry Bliss late of Springfield deceased Setting forth, That the said deceased dyed siezed of a Dwelling House and Barn and twenty six Acres of Land lying in Springfield, and left four Children, the eldest being about 12 Years of age; and that there is a necessity of selling a part of said Estate in order to pay the deceaseds debts, but that a part only cannot be sold without damage

Legislative
Records of the
Council, xxv.,
236.

House Jour-
nal, p. 45.
Province
Laws, ii., 151,
chap. 10.

to the whole Interest: And Praying leave to sell the whole, She to be accountable.

[Read and]

Resolved That the Petitioner be and hereby is impowered to make sale of the Real Estate in her said Petition mentioned for the most the same will fetch, and to make and execute a good deed or deeds thereof, She therein observing the Rules of the Law respecting the Sale of Estates by Executors and Administrators and giving sufficient Security to the Judge of Probates for the County of Hampshire for her applying such part of the proceeds of the Sale thereof (as may be necessary therefor) to the payment of the just debts of said deceased, and put the residue on Interest for the benefit of herself and Children in manner and proportion as in said Petition mentioned, and to render him an account thereof whenever She may be thereto required. [*Passed June 7.*]

CHAPTER 39.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxv.,
236.

House Jour-
nal, pp. 12, 37,
38.

AN ACCOUNT of Gardner Chandler Esq^r Treasurer of the County of Worcester having been laid before the Court for Allowance, the following Order passed thereon viz' On reading the within Account of the late Treasurer for the County of Worcester, and finding the same right cast and well voucht. Therefore

Ordered That the said Treasurer be discharged of the Sum of One hundred and ninety pounds eleven shillings and ten pence which he has paid by order of the Court of Sessions for said County: and that a ballance of the Sum of One hundred and twenty nine pounds four shillings and four pence (exclusive of the Sum of Thirteen pounds fifteen shillings and nine pence set on the Town of Woodstock in the Year 1763) which Sum the present Treasurer of said County is to account for when received. [*Passed June 7.*]

CHAPTER 40.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxv.,
237.

House Jour-
nal, pp. 12, 38.

THE FOLLOWING ORDER passed on the Account of John Cotton Esq^r County Treasurer for Plymouth, exhibited for Allowance viz'

Upon reading the within Accounts of the Treasurer for the County of Plymouth and finding the same right cast and well vouch't. Therefore

Ordered That the said Treasurer be discharged of the Sum of One hundred and thirteen pounds five shillings and six pence which he has paid by order of the Court of Sessions in said County: And that a ballance of the Sum of Sixty three pounds, seventeen shillings and two pence still remaining due to the said County and is outstanding in the hands of several Constables he be further accountable for, when by him received. [*Passed June 7.*]

CHAPTER 41.

RESOLVE REMITTING PROVINCE TAXES FOR THE YEARS 1761, 1762, 1763
TO PLANTATION CALLED N^o 4.

A PETITION of Nathaniel Kingsley Agent for the Plantation called N^o 4 Setting forth That there are but 40 Polls in the said Plantation, that they have however exerted themselves so far as to settle a minister among them; but being poor and as yet in their Infant State they pray that the Public Taxes assessed on them for the three last years may be remitted.

[Read and]

Resolved that the taxes laid by the general assembly on the s^d plantation called number four in the years 1761 1762 & 1763 be and hereby are remitted to them and that all executions & warrants of distress against the inhabitants of the s^d plantation or their collector of taxes for the same taxes be, and hereby are wholly superseded.
[Passed June 8.]

Legislative
Records of the
Council, xxv.,
238. Mass.
Archives,
cxviii., 41.

Mass.
Archives,
cxviii., 40.
House Jour-
nal, p. 48.
Province
Laws, iv., 695,
note. *Ante*,
p. 353, chap.
292.

CHAPTER 42.

RESOLVE IMPOWERING W^m KING, GUARDIAN, TO SELL LAND AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William King of Salem, Guardian of Mary, Hannah and Elisabeth King, minors Setting forth That he hath been at expence in recovering for the said minors a certain piece of Land in Salem measuring 50 feet in length and 30 feet in breadth which descended to them from their Grand mother Mary Andrew, late of Salem deceased; and that upon settling his Account with the Judge of Probate for the County of Essex, the said minors are indebted to him in the sum of £21.15.6¾ and that they have no personal Estate wherewith to discharge the same. And praying leave to sell the said piece of Land thereby to discharge the said debt; He to be accountable for the Remainder, if any such there should be.

[Read and]

Resolved That the Prayer of this Petition be granted, and that the Petitioner be, and is hereby fully authorized and empowered to make Sale of the Piece of Land mentioned in his Petition and to execute a good deed or deeds in the Law of the same; observing the directions in the Law for the Sale of Real Estate by Executors and Administrators; He giving sufficient caution to the Judge of Probate for the County of Essex, that the money arising by the Sale thereof, be applied to the purposes mentioned in said Petition, and the Overplus, if any there be, be put to Interest for the benefit of the heirs.
[Passed June 8.]

Legislative
Records of the
Council, xxv.,
240.

House Jour-
nal, p. 53.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 43.

RESOLVE IMPOWERING THE SELECTMEN OF MARBLEHEAD TO ERECT
A FENCE TO PREVENT Y^E SPREADING OF THE SMALL POX.

Legislative
Records of the
Council, xxv.,
240. Mass.
Archives,
lxxxvii., 361.

Legislative
Records of the
Council, xxv.,
139. Province
Laws, iii., 586,
chap. 12;
iv., 786, note.

Resolved. that the Select men of the Town of Marblehead be and hereby are impowered to erect a Fence across the high Way leading into said Town in the same Place where it was erected in the year 1752 to prevent the Spreading of the Small pox in said Town and to continue s^d Fence until the first day of September next, and that the select men of said Town of Marblehead together with the Justices of the Peace of said Town be and hereby are impowered to appoint and Set up (at the Charge of s^d Town) a Suitable Watch at the Place aforementioned, which Watch shall be impowered to examine all such Persons as shall attempt to go into said Town of Marblehead from whence they came and to prevent all Persons Goods and Baggage from going or being Carried into said Town of Marblehead, if said Watch shall Judge there is Danger of the Small Pox being carried into said Town thereby, for a Space of Time not exceeding one Hour, within which Time, the said Watch shall notify some one of the Justices of the Peace or the Select men of said Town who shall have Power to demand a Declaration upon Oath of Such Person or Persons desiring admission that neither themselves nor Goods have been lately so near any Place infected with the Small Pox so as to endanger any Person's taking said Distemper from them, and upon the Refusal of such Persons to take S^d Oath, to prevent them from entering into said Town; and if Such Declaration be not demanded within one Hour from Such Person's coming and Demanding admission from said Watch then and in that Case there shall be no farther obstruction to them or their Baggage from entring into Said Town.¹ [*Passed June 8.*

CHAPTER 44.

ORDER SETTING OFF JON^A CARRELL AND ELIAB LYON WITH THEIR
ESTATES FROM STOUGHTON TO WALPOLE.

Legislative
Records of the
Council, xxv.,
244.

House Jour-
nal, p. 60.

A PETITION of Jonathan Carrell and Eliab Lyon, Setting forth, That they have Lands lying in Stoughton ten miles distant from the place where the Town meetings are held and six miles from the Parish meeting House whereas the Petitioners live but three miles and a half from the meeting House in Walpole. And Praying that they may be annexed to the Town of Walpole.

Read and

Ordered That the Prayer of the Petition be granted: and the Petitioners with their Estates are set off from the Town of Stoughton and annexed to the Town of Walpole accordingly It appearing by the Copies of the Votes of the Towns of Walpole and Stoughton with this Petition presented, that the Town of Stoughton had agreed to dismiss them, and the Town of Walpole to receive them. [*Passed June 11.*

¹ Not found in the House Journal.

CHAPTER 45.

ORDER ALLOWING £2. 3. 6 TO THO^S HALLET.

A PETITION of Thomas Hallet of Yarmouth Setting forth That his Apprentice Samuel Porridge an Indian was a Soldier in the Pay of the Province in 1762, and did duty at Halifax and afterwards at Newfoundland where he was taken Sick of the Camp Fever, and returned home in a poor state of health, and in about four weeks after dyed. And Praying an allowance of the Charge attending his Sickness.

Read and

Ordered that the sum of two pounds three Shill^{cs} and Six pence be paid to M^r David Thacher for the Use of the Pet^r in full. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
245. Mass.
Archives,
lxxx., 479.

Mass.
Archives,
lxxx., 479.
House Jour-
nal, p. 58.

CHAPTER 46.

RESOLVE ALLOWING £13. 2. 4 WITH INTEREST TO SYLVANUS WING.

WHEREAS the Great and General Court did on the Petition of Sylvanus Wing of Hanover in the County of Plymouth, on the sixteenth Day of April, in the Year One Thousand seven Hundred and Sixty one, order that the Town of Hanover, exclusive of Quakers, should pay unto the Petitioner the Sum of Thirteen Pounds two Shillings and four Pence, being what he was assessed in the Assessment mentioned in his Petition, and it being represented to this Court that the said Town of Hanover hath hitherto paid no Obedience to said Order, and the said Sylvanus Wing having supplicated this Court to make some further Provision to recover the aforesaid Sum with Interest, of the Inhabitants of the said Town of Hanover, agreeable to the Order of the General Court aforesaid.

Resolved, That there be paid out of the Province Treasury the Sum of Thirteen Pounds two Shillings and and¹ four Pence with the Interest thereof from the sixteenth Day of April One Thousand seven Hundred and Sixty one, amounting in the whole to Sixteen Pounds; and that the same be added, in the Province Tax next year, to the Town of Hanover. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
245. Mass.
Archives, xiv.,
384.

Legislative
Records of the
Council, xxv.,
217. House
Journal, pp. 23,
26, 57, 58.
Province
Laws, xvi., 751,
chap. 429.

CHAPTER 47.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN SUFFOLK COUNTY.

In the House of Representatives

Voted That James Otis and Thomas Cushing Esq^{rs} with Such as the hon^{ble} Board shall join be a Committee to farm out the Excise on Tea, coffee and China Ware for the County of Suffolk the current year

In Council Read and Concurred and Thomas Flucker Esq^r is joined in the Affair. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
245.

House Jour-
nal, p. 48.

¹ Sic.

CHAPTER 48.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxv.,
245. Mass.
Archives, cxx.,
469.

House Jour-
nal, p. 48.

In the House of Repres^{ves}
Voted, That Captain Thomas Lancaster and D^r John Calef, with
such as the hon^{ble} Board shall join, be a Committee to farm out
the Excise on Tea, Coffee and China Ware for the County of Essex,
the current year.

In Council Read & Concurred & Nathaniel Ropes Esq^r is joined
in the affair. [*Passed June 11.*]

CHAPTER 49.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, pp. 48, 49.

In the House of Representatives
Voted That Andrew Bordman Esq^r and Cap^t Edward Sheafe with
Such as the honorable Board shall join be a Committee to farm out
the Excise on Tea, Coffee and China Ware for the County of mid-
dlesex the current year.

In Council Read and Concurred & Will^m Brattle Esq^r is joined
in the affair. [*Passed June 11.*]

CHAPTER 50.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, p. 49.

In the House of Representatives
Voted That John Worthington and Tim^o Dwight jun^r Esq^{rs} with
Such as the honorable Board shall join be a Committee to farm out
the Excise on Tea, Coffee and China Ware for the County of Hamp-
shire the current year.

In Council Read & Concurred & Israel Williams Esq^r is joined
in the Affair. [*Passed June 11.*]

CHAPTER 51.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN WORCESTER COUNTY.

Legislative
Records of the
Council, xxv.,
246. Mass.
Archives, cxx.,
469.

House Jour-
nal, p. 49.

In the House of Represent^{ves}
Voted, That John Chandler and Artemas Ward, Esq^{rs} with such
as the hon^{ble} Board shall join, be a Committee to farm out the Ex-
cise on Tea, Coffee and China Ware, for the County of Worcester,
the current year.

In Council Read and Concurred & Timothy Paine Esq^r is joined
in the affair. [*Passed June 11.*]

CHAPTER 52.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives

Voted That Cap^t John Bradford and Briggs Alden Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Plymouth the current year.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, p. 49.

In Council Read & Concurred & Gamaliel Bradford Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 53.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN BARNSTABLE COUNTY.

In the House of Representatives

Voted That M^r Cornelius Crocker and M^r Stephen Nye with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, coffee and China Ware for the County of Barnstable the current year.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, p. 49.

In Council Read & Concurred and James Otis Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 54.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN BRISTOL COUNTY.

In the House of Representatives

Voted That Samuel White and Jerathmeel Bowers Esq^{rs} with such as the honorable Board shall join be a Committee to farm out the Excise upon Tea, Coffee and China Ware for the County of Bristol the current year.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, p. 49.

In Council Read and Concurred and George Leonard Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 55.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN YORK COUNTY.

In the House of Representatives

Voted That Jonathan Sayward and Benjamin Parker Esq^{rs} with Such as the hon^{ble} Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of York the current year.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, p. 49.

In Council Read & Concurred and John Bradbury Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 56.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council, xxv.,
246.

House Jour-
nal, pp. 49, 50.

In the House of Representatives

Voted That James Athearne and Jonathan Allen Esq^{rs} with such as the honorable Board shall join be a Committee to farm out the Excise upon Tea, Coffee and China Ware for the County of Dukes County the current year.

In Council Read and Concurred and Mathew Mayhew Esq^r is joined in the affair. [*Passed June 11.*]

CHAPTER 57.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN NANTUCKET COUNTY.

Legislative
Records of the
Council, xxv.,
247.

House Jour-
nal, p. 50.

In the House of Representatives

Voted That Abishai Folger and Obed Hussey Esq^{rs} with Such as the hon^{ble} Board shall join be a Committee to farm out the Excise upon Tea, Coffee and China Ware for the County of Nantucket the current year.

In Council Read and Concurred and Major Coffin is joined in the Affair. [*Passed June 11.*]

CHAPTER 58.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN CUMBERLAND COUNTY.

Legislative
Records of the
Council, xxv.,
247.

House Jour-
nal, p. 50.

In the House of Representatives

Voted That Jeremy Powell and Samuel Waldo Esq^{rs} with Such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Cumberland the current year.

In Council Read and Concurred and Francis Waldo Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 59.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE, AND CHINAWARE IN LINCOLN COUNTY.

Legislative
Records of the
Council, xxv.,
247.

House Jour-
nal, p. 50.

In the House of Representatives

Voted That William Cushing and Jonathan Bowman Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise upon Tea, Coffee and China Ware for the County of Lincoln the current year.

In Council Read and Concurred and Samuel Dennie Esq^r is joined in the Affair. [*Passed June 11.*]

CHAPTER 60.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN BERKSHIRE COUNTY.

In the House of Representatives

Voted That John Ashley and Timothy Woodbridge Esq^{rs} with Such as the honorable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Berkshire the current year.

In Council Read & Concurred & Joseph Dwight Esq^r is joined in the Affair. [*Passed June 11.*]

Legislative
Records of the
Council, xxv.,
247.
House Jour-
nal, p. 50.

CHAPTER 61.

ORDER SETTING OFF ISRAEL CLARK AND HIS ESTATE FROM THE WEST PARISH TO THE EAST PARISH OF SOUTH HADLEY.

A PETITION of Israel Clark of South Hadley Setting forth That he dwells on the East side of the dividing Line between the first and second Parish in South Hadley, yet had certified his desire of being accounted to the West Parish, which he now finds inconvenient, and is therefore desirous of belonging to the East Parish, and having petitioned the West Parish to be dismissed from them, they have granted the Prayer of his Petition upon terms which he has complied with. And Praying that He and his Estate may be annexed to the East Parish accordingly.

Read and

Ordered That the Prayer of the Petition be granted, and he is hereby annexed to the East Parish to do duty and receive privilege there accordingly. [*Passed June 12.*]

Legislative
Records of the
Council, xxv.,
247.

Legislative
Records of the
Council, xxiv.,
452. House
Journal, p. 60.

CHAPTER 62.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND LAID OUT TO EDWD HIGBEE & OTHERS.

A PLATT of 200 Acres of Land lying West of Sheffield, laid out to Edward Higbee, Elijah Higbee, Elnathan Higbee, Levine Higbee, Hannah Higbee and Rachel Higbee, the heirs of Edward Higbee decess'd pursuant to a Grant made them by the Great and General Assembly of the Province of the Massachusetts Bay at their Session in May A:D 1763. Surveyed 9 may 1764 by John Ashley Surveyor, having been laid before the Court for their acceptance, the following Order passed thereon viz^t

Read and

Ordered, That the within Plan be accepted, and the Lands therein delineated and described be confirmed to the said Edward Higbee and others therein named, to their Heirs and Assigns forever; provided, that the Plan exceeds not the Quantity of the Grant, and does not interfere with any former Grant. [*Passed June 12.*]

Legislative
Records of the
Council, xxv.,
248. Maps and
Plans, Mis.,
xiv., l.

House Jour-
nal, p. 60.
Ante, p. 425,
chap. 107.

CHAPTER 63.

ORDER ALLOWING £3. 10 PER ANNUM TO SAM^L GRANT.

Legislative
Records of the
Council, xxv.,
248, 266. Mass.
Archives,
lxxx., 500.

Mass.
Archives,
lxxx., 499, 501.
House Jour-
nal, p. 61.

A PETITION of Samuel Grant of Framingham Setting forth, That on the 8th September 1755 being a Soldier in the pay of the Province, he received a Wound in the Action at Lake George, whereby he is so disabled that he is not able to do one half the work he could do before: that in the Year 1756 the Government made him a Grant of four pounds, but that he hath expended more than that Sum in paying of Surgeons: And praying that he may have a pension allowed him.

Read and

Ordered, That a Pension of three Pounds ten Shillings per annum, be allowed out of the publick Treasury to the Petitioner during the Pleasure of the Court. [*Passed June 12.*¹]

CHAPTER 64.

RESOLVE IMPOWERING SAM^L SANDERSON, ADM^S, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxv.,
248.

House Jour-
nal, p. 58.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Samuel Saunderson of Boston Ropemaker, Administrator of the Estate of his Father Benjamin Saunderson de-
ceas'd Intestate, Setting forth That the deceaseds debts amount to £11.3.6 more than his personal Estate: that he left no real Estate saving a small Tenement with the Appurtenances in Essex Street apprized at £66.13.4 That the Intestate left no Children or representative of any except the Memorialist, unless another Son should be living who was aboard a Transport at the Siege of Quebec and has never been heard of Since And Praying that He may be im-
powered to Sell the said Real Estate for the payment of debts, he to be accountable for the Remainder.

[Read and]

Resolved That the Prayer of the Petition be granted; and the Petitioner Samuel Sanderson be, and hereby is fully authorized and impowered to make Sale of the Real Estate mentioned in the Petition for the most it will fetch, and to execute a good deed for the same, he observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving sufficient Security to the Judge of Probate for the County of Suffolk to be accountable for the proceeds of said Sale when thereto required. [*Passed June 12.*]

¹ Three days later, June 15, 1764, the following order passed (see Mass. Archives, lxxx., 500):—

Ordered that the Pet^r within named be allowed to recieve three pounds, ten Shill^s out of the publick Treasury at this time to be paid to Col: Buckminster for the use of the Petitioner. [*Passed June 15.*]

CHAPTER 65.

RESOLVE WITH NOTICE ON THE PETITION OF ALEX^R THOMPSON IN REGARD TO AN ACTION.

A PETITION of Alexander Thompson of Colrain Setting forth That he ignorantly sold two barrels of Rum without a Permit, for which He is prosecuted in the Law, and the affair is now pending: that the Excise on said Rum is paid, and praying Relief.

Read and

Resolved That the Petitioner Alexander Thompson serve M^r Gad Lyman, Collector of Excise for the County of Hampshire for the year 1763 with a Copy of this Petition and Order thereon, that he may shew cause on the second Tuesday of the next Session of this Court why the Prayer thereof should not be granted and that the Action commenced by said Collector against the Petitioner be continued in the mean time. [*Passed June 12.*]

Legislative
Records of the
Council, xxv.,
249.

House Jour-
nal, p. 64.
Province
Laws, iv., 548,
note.

CHAPTER 66.

ORDER REMITTING TO TIM^O MOSSMAN A DEBT OF £12 DUE FROM HIM TO THE PROVINCE.

A PETITION of Timothy Mossman Setting forth That he was put in possession of the Farm called the Potash Farm by virtue of a Lease from Cap^t Plaistead where he made Improvements to the value of Two hundred pounds, which Farm now reverting to the Province He prays that they would forgive the debt which he owes them, and that they would further consider his Case, and make him a Grant of Waste Lands or an equivalent for the said Improvements.

Read and

Ordered that the Sum of twelve pounds ¹being a Debt due from the Pet^r to the Province), be remitted him in full answer to this Petⁿ. [*Passed June 12.*]

Legislative
Records of the
Council, xxv.,
250. Mass.
Archives,
xlv., 486.

Mass.
Archives,
xlv., 485.
House Jour-
nal, pp. 47, 48,
64. Province
Laws, xvi., 709,
chap. 326.

CHAPTER 67.

ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF JOHN RIDER IN REGARD TO THE ACTION OF THE PROVINCE TREASURER AGAINST HIM.

A PETITION of John Rider of Chatham in the County of Barnstable Setting forth, That about three years since while he was a Constable of the Town of Chatham, one Thomas West then a Captain in the Pay of the Province brought him two Receipts, which he then supposed were signed by the Province Treasurer for about Eighty pounds, on which the Petitioner paid him £37.8.3 before he discovered that they were forged. That upon the discovery hereof, He procured the said West to be committed to Goal and indicted for Forgery; but so it happened that He broke Goal and

Legislative
Records of the
Council, xxv.,
250.

House Jour-
nal, p. 55.

¹ The parenthesis should, it seems, begin here.

fled out of the Province, leaving no Estate therein; and the Treasurers Execution is now out against the Petitioner for the assessments committed to him as Constable aforesaid And Praying relief.

Read and

Ordered That the consideration of this Petition be referred to the next Session of this Court and that the Execution mentioned be stayed till the further Order of this Court. [*Passed June 12.*]

CHAPTER 68.

RESOLVE DIRECTING NOTICE AND STAY OF ALL PROCEEDINGS ON THE PETITION OF THE INHABITANTS ADJACENT TO KENNEBECK RIVER IN REGARD TO TAXES.

Legislative
Records of the
Council, xxv.,
251. Mass.
Archives,
cxviii., 39.

Mass.
Archives,
cxviii., 36, 38.
House Jour-
nal, p. 64.
Province
Laws, iv., 695,
note.

A PETITION of William Bacon and Others, Inhabitants of Kennebeck River and parts adjacent Setting forth That they have settled in a Wilderness Country where they would have been unable even to have subsisted themselves in the Winter Season without assistance; that the Town of Pownalborough has taxed them altho none of them were settled there when their valuation was taken, nor any of them Settled within six miles thereof, and many of them are from 12 to 20 miles distant. And Praying Relief.

Read &

Resolved that the Petitioners notify The Town of Pownalborough of the Contents of this Petition by leaving a Copy thereof with the Town Clerk, that the Town may make Answer to y^e same (if they see Cause) the first Tuesday of the next sitting of this Court & that all Proceedings with respect to the further Taxing the Petitioners as also of Collecting the Taxes already assessed be stay'd till the further order of this Court. [*Passed June 12.*]

CHAPTER 69.

ORDER ALLOWING £2. 17. 9 TO PETER THACHER, JR.

Legislative
Records of the
Council, xxv.,
251. Mass.
Archives,
lxxx., 480.

Mass.
Archives,
lxxx., 480.
House Jour-
nal, p. 58.

A PETITION of Peter Thacher Jun^r of Barnstable Setting forth, That he was a Soldier in the Pay of the Province in 1762 and did duty at Halifax and at Cape Breton; that he was not well when he embarked to come home, and soon after his arrival which was on the 16th of November his Illness increased, and his Case was for some time desperate. And Praying an allowance of the Expence occasioned thereby.

Read and

Ordered that the Sum of two pounds Seventeen Shillings & Nine pence be paid out of the Treasury to M^r David Thacher for the Use of the Pet^r in full. [*Passed June 12.*]

CHAPTER 70.

RESOLVE IMPOWERING ELIS^A CHANDLER, ADM^S, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisabeth Chandler, Administratrix of the Estate of her late Husband Thomas Chandler late of Andover deceased Setting forth; That a part of the deceaseds Real Estate hath already been sold to the Amount of One hundred pounds for payment of the deceaseds debts, besides which the personal Estate hath been applied to the same purpose, and there yet remain debts unpaid to the amount of £168.9.10½. And praying leave to sell the residue of the Real Estate, She to be accountable.

Legislative
Records of the
Council, xxv.,
252.

House Jour-
nal, pp. 65, 66.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Resolved That the Petitioner be and hereby is empowered in her capacity of Administratrix to make sale of the whole of the Real Estate mentioned in her Petition for the most the same will fetch, and to execute a good deed or deeds thereof, She observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex that the Interest of one third part of the money arising by the Sale of said Estate be for the Support of said Administratrix during her natural life, and at her decease divided among the legal heirs, and the other two thirds to be duly applied to the payment of the just debts of said deceased, and the overplus, if any there be, shall also be divided among the legal heirs as the Law directs. [*Passed June 12.*]

CHAPTER 71.

ORDER GRANTING, UNDER CONDITIONS, 200 ACRES OF LAND TO SAM^L
RICE.

A PETITION of Samuel Rice Setting forth, That the Road over the Hoosuck mountain is at present very dangerous, several Creatures having lost their lives by reason thereof: That the Petitioner hath found a better place for a Road, and as there is about 200 Acres of Province Land lying near said Mountain on Deerfield River, He prays that he may have a Grant of the same, he obliging himself to make said Road up the mountain as good as the Land for a Road will allow of.

Legislative
Records of the
Council, xxv.,
252. Mass.
Archives,
cxvi., 423.

House Jour-
nal, pp. 62, 66.

[Read and]

Ordered that the Quantity of Two hundred acres of y^e unappropriated Land in this Province in y^e County of Berkshire be & hereby is granted to the petitioner Samuel Rice his heirs & assigns for Ever upon Condition that he or they Do in one year from this time make a good Road from Charlemont to y^e top of Hoosock mountain & Return a plan of s^d Road & Land to this Court for Confirmation as also a Certificate from Elijah williams Esq^r & m^r Fellows Billing of his or their having faithfully & punctually performed the afores^d Condition. [*Passed June 12.*]

CHAPTER 72.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
255. Mass.
Archives,
lxxx., 520.

Mass.
Archives,
lxxx., 475, 477,
482, 484, 485, 488,
505, 517. House
Journal, p. 61.

In the House of Representatives

The House considered the Petitions of sick and wounded Soldiers, and thereupon the following Votes passed, Viz^t

Ordered, That the Sum of Four Pounds be paid out of the publick Treasury, to M^r David Thacher for the Use of Ebenezer Rider, in full.

To M^r David Thacher, the Sum of three Pounds nine Shillings, for the Use of Roland Rider, in full.

To M^r David Thacher, the Sum of Two Pounds fourteen Shillings and ten Pence, for the Use of David Gorham, in full.

To M^r David Thacher, the Sum of Four Pounds sixteen Shillings and ten Pence, for the Use of Elisha Whelden in full.

To M^r David Thacher, the Sum [of]¹ Four Pounds five Shillings, for the Use of John Thacher, in full

To John Whitecomb, Esq^r the Sum of Four Pounds, for the Use of Ephraim Brown, in full.

To Abel Lawrence, Esq^r the Sum of three Pounds five Shillings, for the Use of Ezekiel Brown, in full.

To M^r Fellows Billing the Sum of one Pound fourteen Shillings, for the Use of Jeduthun Sawyer, in full.

In Council.

Read and Concurred. [*Passed June 13.*]

CHAPTER 73.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
255. Mass.
Archives,
lxxx., 521.

Mass.
Archives,
lxxviii., 267;
lxxx., 391, 481,
483, 487, 488, 508.
House Jour-
nal, p. 67.

In the House of Rep^{ues}

The House entred into the consideration of Pet^{ns} of Sick and wounded Soldiers and the following Votes pass'd Viz

Ordered that the Sum of three pounds twelve shillings be paid out of the publick Treasury to M^r Cornelius Crocker for the Use of John Thacher in full

To M^r Cornelius Crocker £2.9.10 for the Use of Gershom Davis in full

To M^r Cornelius Crocker £2.19.4 for the Use of Benjamin Gorham in full

To M^r Dan^l Nash £3 for the Use of Benjamin Rhoads in full.

To Moses Marcey Esq^r £2 for the Use of Caleb Pond in full.

To M^r Fellows Billing £1.10 for the Use of Simeon Smith in full.

To Cap^t Timothy Metcalf £2.4 for the Use of Samuel Foster in full.

To John Noyes Esq^r £2.12 for the Use of Josiah Bennet in full.

In Council Read and Concurred. [*Passed June 13.*]

¹ Inserted from the House Journal, p. 61.

CHAPTER 74.

ORDER ALLOWING £18 TO JN^O WOODBRIDGE.

A PETITION of John Woodbridge of South Hadley Setting forth, That in the year 1760 He had orders for inlisting men into the Service, and not having a sufficiency of public money in his hands, he advanced of his own money Eighteen pounds to John Church and Richard Church two Soldiers born on Cap^t Carvers Roll, whom he had inlisted viz^t nine pounds to each agreeable to the Order of Court, which Sum has not yet been repaid to him. And Praying an allowance.

Read and

Ordered that the Sum of eighteen pounds be granted out of the publick Treasury to the Pet^r in full for the money He advanced to the two Soldiers within named & the same be paid to m^r Daniell whittney for the use of the Petitioner. [*Passed June 13.*]

Legislative
Records of the
Council, xxv.,
257. Mass.
Archives,
lxxx., 362.
Mass.
Archives,
lxxx., 362.
House Jour-
nal, pp. 53, 62.
Province
Laws, xvi., 567,
chap. 1.

CHAPTER 75.

ORDER IMPOWERING JN^O BRYANT TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of John Bryant of Boston Mariner by Thomas Waldo his Attorney Setting forth, That one Edward Baxter brought an Action against him for an Assault, that the Petitioner employed an attorney to defend the Action, who (the Petitioner being at Sea) forgot he was employed in the Case, and the memorialist being defaulted, Judgment went against him for £65 and Costs; whereupon he prayed this Court for a rehearing, who accordingly granted the same; but by reason of the Small pox and his own indisposition, his Lawyer once more neglected the affair and did not bring forward his Writ of Review. And Praying that he may be again impowered to review the said Action.

Read and

Ordered That the Prayer of the Petition be granted, and the Petitioner allowed to bring his Writ of Review to the next July Court to be holden within and for the County of Suffolk: his said Attorney giving sufficient Security to the Sheriff of said County for the payment of all such Sum and Sums as the original Plaintiff may finally recover: and the said Court be, and hereby is impowered to take cognizance of the same, to enter up Judgment and award Execution thereon accordingly. [*Passed June 13.*]

Legislative
Records of the
Council, xxv.,
257.
House Jour-
nal, pp. 71, 72.
Ante, p. 440,
chap. 140.

CHAPTER 76.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON THE PETITION OF BENJAMIN COFFIN, AND OTHERS, ILLEGAL PURCHASERS OF INDIAN LANDS AND APPOINTING A NEW COMMITTEE THEREON.

Legislative
Records of the
Council, xxv.,
254.

House Jour-
nal, p. 85.
Ante, p. 403,
chap. 53; p. 522,
chap. 27.

ON THE PETITION of Benjamin Coffin and others, who had purchased Lands of the Indians contrary to Law, the following Order passed viz^t

Ordered That this Petition be committed to the Gentlemen appointed upon the Petition of Cap^t John Airey

The Committee abovementioned made the following Report viz^t

That a Committee be appointed by this Court to repair to the Island of Chapaquidic at the cost and charge of the Petitioners, and cause a Survey of the Lands in their Petition mentioned lying upon the Island aforesaid; that they make inquiry into their present value, and what their value was when purchased of the Indians, as also their real purchase consideration, and what may be done in equity to relieve said Petitioners consistent with equity to the Indians, the Committee to report the whole matter to this Court for the purpose aforesaid.

Signed, WILL^m BRATTLE *pro* Order

In Council Read and Accepted, and thereupon

Ordered that William Brattle Esq^r with such as the honorable House shall join be a Committee for the purposes aforesaid.

In the House of Representatives Read and Concurred and Thomas Foster and Daniel Howard Esq^{rs} are joined in the affair. [*Passed June 14.*¹

CHAPTER 77.

RESOLVE IMPOWERING THO^s FARRINGTON TO FILE A COMPLAINT.

Legislative
Records of the
Council, xxv.,
259.

House Jour-
nal, p. 79.

A PETITION of Thomas Farrington of Groton Setting forth, That at the Inferior Court of common Pleas held at Concord in September last, he recovered Judgment by default against Silas Brown of Sudbury on a plain note of hand for £12.6 and Costs: that the said Silas appealed to the Superior Court to be holden at Cambridge in January last; when your Petitioners Attorney was informed that the whole business of the Court was put over to the next august Term for middlesex, and that by a Person who declared that he was desired by the Judges to give such Information to all Persons concerned: and the Petitioners attorney being thus deceived no complaint was filed. And Praying that he may have liberty to file a Complaint at the next Superior Court in middlesex for the Affirmation of said Judgment and Costs.

[Read and]

Resolved That the Prayer of the foregoing Petition be granted, and that the Petitioner be, and he hereby is empowered to file a Complaint at the next Superior Court to be holden for and within the County of middlesex, and the Justices of said Court are hereby

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is June 13.

authorized and impowered to hear and enter up Judgment and award Execution as fully as they could have done, any neglect in the Petitioner notwithstanding. [*Passed June 14.*]

CHAPTER 78.

RESOLVE ALLOWING £72 UNDER CONDITIONS TO REV. MR ELEAZER WHEELOCK.

WHEREAS the Great & General Court in November 1761 In Compliance with the Request of the Rev^{dd} m^r Eleazer wheelock of Lebanon did desire him to Procure six Indian Boys of the six Nations of the mohawk Indians to be Educated in the Indian Charity school under his Care, he to Instruct subsist and Cloath them the Cost of which was to be Paid out of the InCome of Sir Peter warrens Charitable Donation for that Purpose, which Boys were obtained Educated subsisted and Cloathed by s^d m^r wheelock & the account of the Charge Given to & Paid by the General Court out of said Donation and in the month of June 1762 the General Court Resolved that the sum of twelve Pound be further Granted to the said m^r wheelock for subsisting & Educating Said six Indian Boys out of the said Donation from the 27th of November 1762 to the 27th of November 1763, and it appearing that five of Said Boys are still Supported & Educated by said m^r wheelock the Charge of which amounts to more then the allowance Granted

Legislative
Records of the
Council, xxv.,
261. Mass.
Archives,
xxxiii., 302.

House Jour-
nal, pp. 55, 78,
79. Province
Laws, iv., 562,
563, 564, notes.
Ante, p. 62,
chap. 150.

Resolved that the sum of seventy two Pound be allowed and Paid to the Rev^{dd} m^r wheelock for subsisting and Instructing the said five Indian Boys from the 27th of November 1763 to the 27th of November 1764 provided that the Said five Boys Continue under his Care till that time Provided also he subsist & Educate in his school the Indian named Joseph one of the six that went out as an Interpreter; all the time that he may Continue with him upon his Return, from this time to the said 27th of November 1764, the whole to be Paid out of the In Come of Said Sir Peter warrens Donation. the one half of said Sum to be Paid to the said m^r wheelock now the other half on the said 27th of November 1764 he Rendring an acc^{tt} to this Court for their allowance. [*Passed June 14.*]

CHAPTER 79.

ORDER SUBSTITUTING CAP^t SHEAFE FOR THOMAS GOLDTHWAIT, ESQ^r, ON THE COMMITTEE ON REPAIRS OF CASTLE WILLIAM.

Legislative
Records of the
Council, xxv.,
261.

Ordered That Cap^t Sheafe be of the Committee to take care of the Repairs of Castle William in the room of Thomas Goldthwait Esq^r who is absent. [*Passed June 14.*]

House Jour-
nal, p. 80.
Ante, p. 417,
chap. 57.

CHAPTER 80.

ORDER IMPOWERING SETH HOW TO PROSECUTE HIS APPEAL.

Legislative
Records of the
Council, xxv.,
262.

House Jour-
nal, p. 87.

A PETITION of Seth How of Marlborough Setting forth, That at the Inferior Court in Cambridge in May 1763, He was Plaintiff in an Action of the Case wherein Noah Church of said Marlborough was Defendant for the recovery of £26.13.4 and the Interest thereof due on a Note dated 16: March 1759; that said Action was entered, and the Defendant pleaded thereto, and the Plaintiff demurred to the said Plea, but thro' mistake and neglect was not appealed. And praying that he may be enabled to claim and prosecute an appeal to the next Superior Court to be holden at Cambridge for the County of middlesex in August next, as tho' claimed at the Court aforesaid.

Read and

Ordered That the Prayer of the Petition be so far granted as that upon the said Seth, the Petitioner, entering into Recognizance before one or more of his Majesty's Justices of the Inferior Court of Common Pleas for the County of middlesex to prosecute the Appeal in his Petition mentioned at the next Superior Court of Judicature to be holden at Cambridge in and for said County on the first Tuesday of August next; the Justices of said Court are hereby impowered to hear and determine the same, enter up Judgment and award execution thereon to all intents and purposes whatsoever as fully as if the said Seth had entered into Recognizance for prosecuting his said Appeal within the term limited by Law Provided that the said Seth, fourteen days before the sitting of said Superior Court, give the said Noah, the original Defendant notice thereof, and serve him with a Copy of this Petition and the order of this Court hereon. [*Passed June 14.*]

CHAPTER 81.

RESOLVE IMPOWERING EPH^m COBB, ADM^r AND GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
263. Mass.
Archives, xix.,
739.

Mass.
Archives, xix.,
737. House
Journal, p. 84.
Province
Laws, li., 151,
chap. 10.

A PETITION of Ephraim Cobb of Plymouth, Administrator of the Estate of Joseph Sylvester of said Plymouth deceased, and Guardian to his Children Setting forth, That the said Joseph Sylvester sailed from Plymouth bound for Maryland in January 1762, and hath never been heard of since, and that from divers Circumstances it is probable that He and the Vessel were lost on the Voyage. That he left but about Three pounds in Cash at home when he sailed, and a Wife and four small Children, the eldest but about six years of age, That his said Wife hath been visited with Sickness, whereby she hath wholly lost the sight of one Eye, and in a great measure the sight of the other, that the Charges of her Illness, the support and education of her Children and Repairs made on the said Joseph's Dwelling House amount to One hundred pounds. That there is no personal Estate wherewith to discharge the said debts, and the Real Estate consists of a House and Garden in Plymouth, and one half of about sixty Acres of Land at monument Ponds, the income of which latter is very trifling, tho' the value

thereof may be about Two hundred pounds. And Praying that he may be enabled to make Sale of the same in order to discharge the debts aforesaid and to finish and repair the Dwelling House in Plymouth, He to be accountable for the Remainder.

[Read and]

Resolv'd that the Prayer of the Petition be granted and that Ephraim Cobb, in his Capacity as administrator & Guardian be & hereby is authorized & Impower'd to make sale of the Land at Monument Ponds belonging to the Estate of Joseph Sylvester deceased for the most it will fetch and to execute a good Deed or Deeds for the same, observing the directions of the Law relative to the sale of Real Estates by Executors & Administrators he giving sufficient Security to the Judge of Probate of the County of Plimouth that the Proceeds of said sale be applied to discharge the Debts of the deceased, to finish & repair the Dwelling House & y^e residue put out to Interest for y^e benefit of the Children. [*Passed June 14.*]

CHAPTER 82.

VOTE ALLOWING FURTHER TIME FOR THE PRESENTATION OF CLAIMS TO LANDS IN THE PROVINCE OF MAINE.

WHEREAS an order passed the Two Houses the 25^t January last. That a Notification should issue in the Several Boston News papers, directing all persons claiming Lands in the Late province Of Maine, And without the Bounds of any Town, by Virtue of any Grant or Title Whatsoever, to return the particular Bounds of Such Claims into the Secretarys Office on or before the 1^o day of June next, in order to be delineated on a plan of the said Province directed, to be laid before the Court by their Committee Appointed for that purpose At this Session. And Whereas the time fixed for the Claimants to return the Bounds of their Lands has proved insufficient

Legislative
Records of the
Council, xxv.,
264. Mass.
Archives, vi.,
536.

House Jour-
nal, p. 82.
Ante, p. 468,
chap. 228.

Therefore

Voted that they be allowed a further time Viz 'till the next session, to give in their Claims as aforesaid. And that a Notification issue in all the Boston News papers Accordingly. [*Passed June 14.*]

CHAPTER 83.

ORDER ALLOWING 8/ TO MAJOR JOHN BURK.

A PETITION of John Burk, a major in Brigadier Ruggles's Regiment Praying an Allowance of Eight shillings which he paid for the carriage of money from Boston to Springfield in order to pay the Men their billeting money, and a further allowance for his trouble in paying out the said money.

Read and

Ordered that the Pet^r be allowed eight Shillings to the Pet^r' out of the publick Treasury in full for the service within mentioned. [*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
266. Mass.
Archives,
lxxx., 522.

Mass.
Archives,
lxxx., 522.
House Jour-
nal, pp. 57, 88.

CHAPTER 84.

ORDER REFERRING THE PETITION OF INHABITANTS OF BERNARDSTON
IN REGARD TO TAXES.

Legislative
Records of the
Council, xxv.,
267. Mass.
Archives,
cxviii., 44.

Province
Laws, iv., 650,
chap. 10; 695,
note.

A PETITION of John Burk in behalf of Bernardston Setting forth That their numbers are yet small, having only 31 Families and 49 Poles; that the War has so retarded their Settlements that they have but 400 Acres of improved Land in said Town, and yet they have been taxed the three last years, for two of which they have paid £58 and have now a Tax upon them for £19 which cannot be collected but by distress. And Praying that it may be abated.

[Read and]

Ordered that the Consideration of this petition be Referr'd to y^e next Session of y^e General Court & the Treasurer is hereby Directed not to Issue any warrant for y^e Enforcing payment thereof in y^e mean time.¹ [*Passed June 15.*]

CHAPTER 85.

RESOLVE IMPOWERING MR FELLOWS BILLING TO 'SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
267.

House Jour-
nal, pp. 88, 89.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Absalom Scott, Hannah Scott, Lucy Graves and Christian Graves, Setting forth, That Simeon Graves of Sunderland deceased formerly the Husband of the said Hannah, dyed leaving only two Children viz^t the said Lucy and Christian, that the said Hannah administred on the said Simeons Estate, and finds it necessary that some part of the Real Estate should be sold for payment of debts, but that the said Lucy and Christian are minors. And Praying that M^r Fellows Billing may be impowered to make Sale of the House Lot in Sunderland containing about six Acres with the Buildings thereon for payment of the deceaseds Debts, the remainder (if any) to be for the use of the deceased's said Widow and Children.

[Read and]

Resolved That the Prayer of the Petition be granted, and that Fellows Billing be and hereby is authorized and impowered to make sale of the House and Land mentioned in the within Petition and to execute a good deed or deeds of the same, he observing the directions of the Law relative to the Sale of Real Estates by Executors and Administrators and giving sufficient Security to the Judge of Probate for the County of Hampshire that the proceeds of said Sale shall, after the just debts of the deceased are paid, be put out on Interest for the benefit of the several heirs. [*Passed June 15.*]

¹ Not found in the House Journal.

CHAPTER 86.

RESOLVE ALLOWING £21. 2. 1 TO CAPT. EBEN^R MARROW.

A PETITION of Ebenezer Marrow of Medford, a Captain in Col^o Bagley's Regiment in the Pay of the Province in 1758. Praying an allowance for a Chest of Medicines amounting to £20.2.1, which he supplied the Army with, before those arrived which had been ordered by the Government, and also for his attendance on the Sick, at a time when General Abercromby had ordered the Surgeons to Ticonderoga, having then dressed 300 of the wounded Soldiers.

[Read and]

Resolved that the Sum of Twenty one pounds Two Shillings & one peny be allowed & paid out of the public Treasury to Ebenezer marrow in full for his Account & Service mentioned in his petition. [*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
268. Mass.
Archives,
lxxx., 476.

Mass.
Archives,
lxxx., 476.
Legislative
Records of the
Council, xxv.,
143. Executi-
ve Records of
the Council,
xv., 322.
House Jour-
nal, p. 217
(January,
1764); p. 16.
Province
Laws, xvi., 335,
chap. 300.

CHAPTER 87.

RESOLVE REMITTING TO DANIEL FOWLE THE COST OF A SUIT ENTERED AGAINST HIM, &c.

A PETITION of Daniel Fowle Printer Setting forth, That He was on the 24 of October 1754 sent for by a Warrant to appear before the House of Representatives then sitting upon suspicion of Printing and publishing a pamphlet intituled the monster of monsters; and upon suspicion only, was committed to the common Goal in Boston where he remained for two days and nights closely confined, and three days in custody in the Prison keepers House and then dismissed. That it was not in the Petitioner's Power to discover the Author of the said Pamphlet, nor was he the Printer thereof himself, and therefore apprehends the procedure aforesaid was a grievous hardship upon him, as it really was of bad consequence to his Family. And praying an allowance for his Sufferings; and also praying that the Court would set aside, null and make void a certain Judgment for Cost, from the Superior Court against him upon a Plea of Bar in attempting to bring his Cause before a Jury, on account of which Judgment he is now sued, altho never demanded till August 1762.

[Read and]

Resolved, that the cost recovered against the petitioner on his Suit against Thomas Hubbard Esq & others be and hereby is remitted to him; and that his Excellency the Governor with the advice of the Council be desired to pay out of the public Treasury the Accounts of the Gentlemen concerned for the House of Representatives in the said Suit. [*Passed June 15.*]

Legislative
Records of the
Council, xxv.,
268. Mass.
Archives,
lviii., 503.

Mass.
Archives,
lviii., 502.
House Jour-
nal, p. 90.
Province
Laws, xv., 452,
chap. 312.

CHAPTER 88.

RESOLVE ON REPORT OF COMMITTEE APPOINTED TO SURVEY DEERFIELD AND SETTLE THE BOUNDS THEREOF AND ALLOWING £25. 17. 1 TO SAID COMMITTEE.

Legislative
Records of the
Council, xxv.,
269.

Maps and
Plans, Mis.,
xxxv., 20.
Legislative
Records of the
Council, xxvi.,
524. House
Journal, p. 65.
Province
Laws, ix., 235,
chap. 4; 566,
chap. 122; xii.,
459, chap. 238;
xiii., 30, chap.
40. *Ante*,
p. 302, chap.
175.

THE COMMITTEE appointed by this honorable Court in January 1763 to run the Lines and ascertain the Bounds between Deerfield and Hunt's Town, and Deerfield and the Province Land adjoining on the West of Deerfield and North of Hunts Town according to the several and original Grants of Deerfield and Hunts Town, and especially to run and fix the dividing Line between the said Towns, and having had laid before them by the Committees of the said Towns, Copies of the several original Grants and Surveys of the said Townships, which having particularly examined, heard the Parties thereon and considered the same; beg leave to report That with respect to the Township of Deerfield they find that in may 1663 this Court judged meet to allow to Samuel Hinsdale and others, called Inhabitants of Paucomptock the liberty of a Township, and accordingly granted them such an addition to the eight thousand Acres formerly granted to Dedham, as that the whole should be the Contents of Seven miles Square on certain terms and conditions therein mentioned.

That afterwards and before any Plan was returned (as your Committee can find) of the said seven miles square viz^t in may 1712 in answer to the Petition of M^r John Williams, this Court granted that the Bounds of the said Town might extend Westward from Connecticut River as Northampton and Hatfield do viz^t nine miles from the River into the Western Woods.

That afterwards the Inhabitants of said Deerfield presented to this honorable Court a Platt by them taken of their first Grant of seven miles square for confirmation, which after a particular consideration thereof had by a Committee of both Houses of Assembly on the 19th of November 1717 accepted and confirmed, provided the Line run from the North end to the Great River be an East Line. Which your Committee doubt not it was. And here they would observe that this Confirmation of the Platt presented, they humbly conceive the length of the said Township both as to the first and second Grants, which before was uncertain, became certain and determined.

That afterwards viz^t in August 1736 the said Town of Deerfield by the Assistance of the hon^{ble} Timothy Dwight Esq^r Surveyor, made a Plan of their Townships, the whole of it, as well the said seven miles square, then already confirmed in 1717, as the additional Grant made them in 1712. In which Surveyors Return on said Platt he sets forth that the additional Grant begins at a large Chesnut Tree at the Country Farms, so called, which is the North-west corner of the seven miles square already confirmed, and runs from thence West 1,670 Perch to two large white oak Trees standing close together marked, and from thence South 19 degrees West 3,860 Perch to a great Hemlock Tree marked with Stones heaped about it, and from thence East 1,670 perch to the Southeast corner of the said seven miles Square, and from thence along by the said seven miles square North 19 degrees East 3,860 Perch to the said Chesnut Tree at the Country Farms aforesaid. The whole of which

Tracts (he says) contains 69,480 Acres. Which (he also says) is equal to nine miles wide the whole length of the said Township of Deerfield according to the confirmation of the seven miles square: Which Platt in August 1741 was accepted by this hon^{ble} Court provided the Land therein delineated and described exceeded not the quantity of the Grant, and did not interfere with former Grants, which Platt is recorded in the Secretary's Office.

Your Committee in consideration of these Grants, Surveys and Confirmations being of opinion that however the Town of Deerfield might be intitled to all the Land in their first Platt confirmed in 1717 to satisfy the Grant of seven miles square, altho' it should exceed that quantity, yet that they could be intitled to no more by the second Grant than such addition to the quantity first confirmed as would make the true real Contents thereof equal to nine miles by the greatest length of said Township as settled by said first confirmation, which by giving the said Grant the most liberal Construction in favour of the said Town, and calculating the same as running out the said nine miles at right angles from the River and the greatest length of said Township as aforesaid they find to be 72,810 Acres.

Your Committee then proceeded in the best manner they could to find the true quantity of Land contained within the Bounds of the said Township as Surveyed by said Col^o Dwight and claimed by the Inhabitants of Deerfield, and in order thereto they measured the South Line of said Township from the South east corner West by the needle 1,245 Perch to the South West corner of the seven miles Square, thence West one degree 30 South 1,636 Perch to the great Hemlock Tree at the South West corner of the said Township, which they found with Stones about it, and antiently marked as described in said Dwights Return: Thence North 14 degrees 30 East 4,045 Rods to the two large white oak Trees standing together, antiently marked and having Stones about them, the northwest corner of said Township, thence East by the needle 1,790 Perch to the Stump of the Chesnut aforesaid at the Country Farms at the northwest corner of the seven miles Square. Thence East 2 degrees N^o 2,204 Rods to Connecticut River at the northeast Corner of the said Township.

Your Committee then considering that the Great River which is the East Boundary of the said Township runs a very meandring Course from the Northeast to the Southeast corner of the said Township, the taking of which exactly would have been a matter of much labour and expence, and finding that the said Col^o Dwight had made a Line of three Courses from the Southeast to the northeast corner aforesaid, the first of which they apprehended he designed as the course from the said Southeast Corner of said Township to the mouth of Fall River, they proceeded and measured the course from the same S^o East corner to the mouth of said Fall River and found the same to be North 14 degrees 50 M^{ts} East 3,132 and in addition to this Line they laid down on their Plan the other two Courses taken from the aforesaid Plan of Col^o Dwight to carry up this East Line to the Northeast corner of said Township, and having had presented to them by the Inhabitants of said Deerfield a Platt by said Col^o Dwight of the same Line and of the course of the said River relative thereto throughout the whole length of said Township with his Calculation thereon of the difference between the quantity of Land East of said Line and West of said River and that West of said Line and East of said River, and finding the same to be 974

Acres 1 Rod and 18 perch in favour of said Deerfield more than to have the Line aforesaid for their East Line, they calculated the Contents of the said Platt within the said Lines and found the same to be 75,025 Acres which with the addition aforesaid is 75,999.1.18 Acres which exceeds the true quantity granted as aforesaid by 3,189 Acres.

Your Committee take notice that by the Platts aforesaid made by Col^o Dwight the Line from the Southeast corner to the mouth of Fall River seems to have made pretty much the Basis of his Surveys especially as to the course of the West side of said Township, and they are laid down by him in his Plan aforesaid first mentioned as paralel Lines under the angle of 19 degrees East of the North.

Your Committee find by their Compass the Lines aforesaid to vary but 20 m^{ts} from a parralel, but under a different angle as they have before set forth in this Report and exhibited in the Plan annexed.

They think it needful further to add that so far as they can discover Col^o Dwight in his Survey of the additional Grant to Deerfield only extended the north and South Lines of the seven miles Square to the said Hemlock and Oaks, the Southwest and Northwest Corners of the Township, but never run or marked the West Line of said Township from the one to the other of these Corners; from which omission it probably happened that the Grantees of Hunts Town in the original Survey thereof run in upon the said Township of Deerfield: Since which the Inhabitants of Deerfield have run and fairly marked the said Line and allotted the Lands adjacent thereto the whole length of said Township.

And your Committee are humbly of opinion that the same should be and remain the West Line of the said Township, unless your Excellency and Honours should think fit to reduce them therefrom on account of the excess of quantity aforesaid which they suppose arises from the extraordinary turning of Connecticut River at the northeast corner of the said Township; the fitness of which Reduction they beg leave to refer to your Excellency's and Honour's Wisdom to determine.

JOHN WORTHINGTON *per* order

On reading the Report of the Committee appointed by this Court in January 1763 to run and ascertain the Lines between the Towns of Deerfield and Hunts Town &c^a

Resolved That the West Line of the said Township of Deerfield as by them surveyed and mentioned in said Report viz^t from a Hemlock Tree at the Southwest corner to the two White Oak Trees at the northwest Corner run by Major Day be the Line of the said Town of Deerfield saving where it abuts upon the Town called Hunts Town: and that the West Line of Deerfield from the said Hemlock Tree shall be North Nineteen degrees East the whole length of the said Town of Hunts Town as far as the said two Towns join.

And that there be paid out of the public Treasury the Sum of Twenty five pounds, seventeen shillings and one penny to the Committee aforesaid in the following proportion viz^t John Worthington Esq^r Three pounds, eighteen shillings and four pence. To Joseph Hawley Esq^r Three pounds, nineteen shillings and six pence. To Major Day Seventeen pounds nineteen shillings and three pence in full for their Service aforesaid and that the said Sum of £25.17.1 be added to the Tax of Deerfield for the year 1765. [*Passed June 15.*]

CHAPTER 89.

VOTE APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

In the House of Representatives

Voted That M^r Otis, M^r Cushing M^r Thacher, M^r Grey & Capt Sheafe with such as the Hon^{ble} Board shall join be a Committee in the recess of the Court to repair to the Treasury, take an Account of the Province securities redeemed & see the same burnt to Ashes and report

Legislative
Records of the
Council, xxv.,
273. Mass.
Archives, civ.,
287.

House Jour-
nal, p. 88.

In Council Read and Concurred and Andrew Oliver, Thomas Hubbard James Russell Royall Tyler & Andrew Belcher Esq^r are joined in the affair. [*Passed June 15.*]

CHAPTER 90.

ORDERS ALLOWING £3 TO REV^d MR LAWRENCE, £9 TO MR BARTHOLOMEW GREEN, AND £3. 10 TO MR [JEREMIAH] HUNT.

Ordered That the Sum of Three pounds be paid out of the Public Treasury to the Rev^d M^r Lawrence for his Service as Chaplain the present Session.

Legislative
Records of the
Council, xxv.,
273.

Ordered That the sum of Nine pounds be paid to M^r Bartholomew Green, Messenger extraordinary to this Court the present Session.

House Jour-
nal, p. 89.

Ordered That the Sum of Three pounds ten shillings be paid to M^r Hunt the Doorkeeper for his Service the present Session. [*Passed June 15.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTEENTH DAY OF OCTOBER, A.D. 1764.

CHAPTER 91.

VOTE REFERRING PENDING PETITIONS TO NEXT SESSION.

Legislative
Records of the
Council, xxv.,
278.

Legislative
Records of the
Council, xxv.,
273. House
Journal, p. 96.

INASMUCH as this present Session is proposed to be Short, and the public attention will be taken up with Objects of the greatest importance, and there will not be opportunity to consider private Affairs. Therefore

Voted That all Petitions which were referred to this Session, be and hereby are further referred to the next Session of this Court, and that they have respectively the same day in the next Session, as are assigned them in this by the Resolves of this Court in their last Session at Concord, and that this Resolve be printed in the next monday news Papers. [*Passed October 19.*]

CHAPTER 92.

ORDER GRANTING TO JOSEPH DOANE LICENSE TO KEEP AN INN.

Legislative
Records of the
Council, xxv.,
279. Mass.
Archives, cxl.,
533.

Mass.
Archives, cxl.,
532. House
Journal, pp. 98,
99. Province
Laws, iv., 693,
note.

A PETITION of Joseph Doane of Chatham Setting forth, That he hath for many years last past kept a Public House of Entertainment at Chatham aforesaid, which hath been of great benefit to the Fishery; but that it so happened that the Petitioner was absent on a Whaling Voyage at the last License Term for the County of Barnstable, and was thereby prevented making Application to have his License then renewed. And praying that the Court of General Sessions of the Peace for the County of Barnstable at their next term be enabled to grant him a License for the purpose aforesaid.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Barnstable be allowed (if they See cause) at their next Dec^r term to grant the Pet^r a Licence to keep a House of publick entertainment (' He first obtaining the approbation of the Select Men of said Town for that Service; the time for granting Licences being elapsed notwithstanding. [*Passed October 20.*]

¹ *Sic*, as to parenthesis.

CHAPTER 93.

ORDER IMPOWERING THO^S ADAMS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Adams of Kingston in the County of Plymouth Guardian of Amos Cook and Bartlet Cook minors and Grandsons of Caleb Cook late of said Kingston deceased, Setting forth, That the said Caleb Cook devised to his said Grand children a part both of his Real and personal Estate, and ordered that the said minors should pay to the Testators daughters £86.13.4. That in order to pay the said daugthers their Legacies aforesaid, they received of Benjamin Cook Executor of the deceaseds last Will the sum of £25.3.3, and that the sum of £61.10.1 is still due to the Legatees from the said amos and Bartlet Cook; that instead of receiving a profit from their Real Estate, they have sustained considerable Loss by Fire. And praying that he as Guardian aforesaid may be empowered to make Sale of so much of the said minors Real Estate as will amount to the Sum of £61.10.1 in order to enable him to discharge the said Legacies.

Read and

Ordered that the Prayer of this Petition be granted, and that the Petitioner Thomas¹ Adams in his capacity of Guardian be, and hereby is empowered to make Sale of so much of the Real Estate within mentioned, where it will be least prejudicial to the remainder, as may be sufficient for the payment of the Sum of Sixty one pounds, ten shillings and a peny, and the charge of Sale, he observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Plymouth, that the money arising by the Sale, be applied for the purpose aforesaid. [*Passed October 23.*²

Legislative
Records of the
Council, xxv.,
279.

House Jour-
nal, pp. 103, 104.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 94.

ORDER IMPOWERING RICH^D & MILLICENT BRADEN, ADM^S, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Richard Braden and Millicent Braden of Billerica, as she is Administratrix of the Estate of her late Husband Joshua Farnum of Dracut deceas'd Intestate, Setting forth, That the said Joshua at the time of his death was possessed of about six acres of Land with a poor House thereon in Dracut appraised at Sixteen pounds, That she had for her priviledge in the said Estate Ten pounds eighteen shillings and two pence being the remainder of the personal Estate after the debts were paid, That the deceased left three small Children, and the petitioner Millicent having no other means of Support for them prays that She together with her said Husband Richard Braden may be empowered to make Sale of the premises and she may be allowed out of the produce of the Sale

Legislative
Records of the
Council, xxv.,
281.

¹ The House Journal, p. 103, reads, "*Samuel.*"

² This date is according to the House Journal; according to Legislative Records of the Council the date is October 20.

to provide for the Support of the said Children, the Remainder thereof, if any there be, to be secured for them.

Read and

Ordered That the Petitioners be fully impowered to make Sale of the House and Land mentioned for the most the same will fetch, and to execute a good deed or deeds for the same, they giving caution to the Judge of Probate for the County of Middlesex, that the proceeds of said Sale be improved for the bringing up the said Children, until they shall arrive to the Age of seven years respectively, and the Remainder, if any there be, be paid to them with the Interest, as they shall come of age, or to the Survivor of them.¹ [*Passed October 23.*]

CHAPTER 95.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £2. 8. 6 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
281.

House Jour-
nal, p. 103.
Ante, p. 533,
chap. 52.

THE COMMITTEE appointed to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Plymouth made Report that they had Sold the same to Major Joseph Joslyng for the Sum of One hundred and thirty two pounds, and delivered his Bond taken with two Sureties for the payment thereof to the Province Treasurer; and praying Allowance of their Charge and Expence amounting to £2.8.6.

Read and

Ordered That this Report be accepted; and that the sum of Two pounds, eight shillings and six pence be allowed and paid out of the Publick Treasury to the Committee for their Service in the Affair. [*Passed October 23.*]

CHAPTER 96.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxv.,
282.

House Jour-
nal, pp. 12, 103.

THE ACCOUNT of Robert Luscomb, Treasurer of the County of Bristol having been laid before the Court for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the balance thereof being Fifty six pounds, seventeen shillings and five pence farthing, the said Treasurer is farther accountable to said County for. [*Passed October 23.*]

¹ Not found in the House Journal.

CHAPTER 97.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF BRISTOL AND
ALLOWING £1. 8. 6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Duties of Excise on
Tea, Coffee and China Ware in the County of Bristol made Report
that they had Sold the same to Thomas Cobb Esq^r for Forty pounds
five shillings, for which they had taken Bond of him with Sureties
and delivered the same to the Province Treasurer

Legislative
Records of the
Council, xxv.,
282.

House Jour-
nal, p. 105.
Ante, p. 533,
chap. 54.

(Signed) GEO: LEONARD p^r order

Read and

Ordered That this Report be accepted, and that the Sum of One
pound eight shillings and six pence be allowed and paid out of the
Public Treasury to the Committee for their Service in the Affair.
[*Passed October 23.*

CHAPTER 98.

ORDER ALLOWING THE TRUCKMASTERS FIVE PERCENT ON ALL SUMS
REMITTED TO THE COMMISSARY GENERAL.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Set-
ting forth, That in and by an Act of this Government made and
passed in the 4th year of his present majesty's Reign for regulating
the Indian Trade, Provision was made that the Truckmasters be
paid such Sum or Sums, as this Court shall judge reasonable; but
that this Court have never yet determined what such allowance
should be, and Praying that they would now determine thereon
that so he may Settle with the said Truckmasters accordingly.

Legislative
Records of the
Council, xxv.,
282. Mass.
Archives, cxv.,
470.

House Jour-
nal, pp. 101, 104.
Province
Laws, iv., 688,
chap. 32; 702,
note.

Read and

Ordered that 5 per Cent be allowed the several Truck masters
for all Sums remitted to the Commissary Gen^l. [*Passed October 23.*

CHAPTER 99.

ORDER ALLOWING £20, UNDER CONDITIONS, TO THE SELECTMEN OF
PROVINCE TOWN.

A PETITION of Samuel Smith and Others Selectmen of Province
Town, Setting forth, That the Inhabitants are few in number, &
unable of themselves wholly to support a Gospel Ministry in the
said place; and there is a resort of mariners thither, almost con-
stantly on the Lords days who would gladly attend the publick
Worship, for which reason the Government hath heretofore made
them some allowance for a number of years, in order to enable
them to defrey the Expençe they are at in providing a minister,
And Praying the further Bounty of this Government for that pur-
pose.

Legislative
Records of the
Council, xxv.,
282. Mass.
Archives, xiv.,
389.

House Jour-
nal, pp. 98, 104.
Province
Laws, xvi., 77,
chap. 171.
Ante, p. 389,
chap. 23.

[Read and]

Ordered that this Petition be So far Granted that there be and
is hereby allowed out of the publick Treasury unto the Inhabitants

of Province Town the Sum of Twenty Pounds to Enable them to Support the Publick worship of God among them for the year 1765 Especially from the month of march to the month of November in Said year, Provided the Inhabitants of Said Town Raise among themselves the Sum of ten pounds for the Purpose afore Said & Provide for the Board of the ministers that shall Preach with y^m The Sum of twenty pounds hereby Granted be put into the Hands of the Rev^d D^r Sewall to be by him applied for the Use afore Said. [*Passed October 23.*]

CHAPTER 100.

RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF WINDHAM FOR THE YEAR 1763 TO CALL A TOWN MEETING.

Legislative
Records of the
Council, xxv.,
284.

House Jour-
nal, pp. 104, 105,
110.

A PETITION of Thomas mayberry and Others, Selectmen of the Town of Windham Setting forth, That at a legal meeting of the Inhabitants of the said Town on the 28th day of march last, they did proceed to the choice of Town Officers for the year then ensuing; but that by reason of some illegal proceedings in the said meeting, the officers then chosen refused to serve, And Praying That they may be impowered to call a meeting for the Election of Town Officers, the month of march being elapsed notwithstanding.

[Read and]

Resolved That the Prayer of this Petition be granted and that those Persons who were Selectmen for the Town of Windham for the year 1763 be, and hereby are impowered and directed to warn a meeting of the Freeholders and other Inhabitants of the said Town of Windham, by law qualified to vote, some time in the month of november next: then to choose all such Town Officers as by Law ought to have been chosen in the month of march last. And that such officers so duly chosen and otherwise by Law qualified shall have the same power and Authority as if they had been chosen in the month of march last, as by Law they ought to have been. [*Passed October 24.*]

CHAPTER 101.

RESOLVE IMPOWERING JN^o SIMPSON AND MARY AISH, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
284.

House Jour-
nal, pp. 106, 107.
Province
Laws, II., 151,
chap. 10.

A PETITION of John Simpson and Mary Aish Administrators of the Estate of their Father John Simpson late of Boston Housewright deceased, Setting forth, That the deceaseds personal Estate fell short of paying his just debts the Sum of Seventy pounds, and that upon their Petition to the Superior Court, sitting in Boston in August last, they were impowered by the said Court to sell as much of the deceaseds Real Estate as would amount to the said sum and Charges. That the said Real Estate consists of two Dwelling Houses, neither of which can be so divided as to amount just to the said Sum; and one of them a Brick House in middle Street, adjoining to Samuel Dexter Esq^r is much out of repair, and will

require a considerable Sum to make it tenantable. And Praying that they may be impowered to make Sale of the said House for the purpose before mentioned: they to be accountable.

[Read and]

Resolved That the Prayer of the Petition be granted, and that the Petitioners in their capacity as Administrators upon the Estate of John Simpson deceased be, and hereby are impowered to make Sale of the Brick House within mentioned for the most it will Sell for, and to make and execute a good deed for the same, they observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving Security to the Judge of Probate for the County of Suffolk, that the Produce arising by said Sale shall be applied for the purpose within mentioned, and that the Overplus, (if any there be) they shall be accountable for, agreeable to Law. [*Passed October 24.*]

CHAPTER 102.

ORDER SETTING ASIDE A JUDGMENT AGAINST THE PROPRIETORS OF SOUHEGAN AND IMPOWERING THEM TO RE-ENTER AN ACTION.

A PETITION of William Peabody and John Shepard jun^r Daniel mackay and mary Hicks Setting forth, That a Copy of said William and Johns Petition to this Court in December last, Praying a Rehearing of their Cause in behalf of the Propriety of Souhegan was duly served on the said Daniel and mary, the Petitioners therefore pray that the following Agreement between them for the Settlement of said Affair may be accepted viz^t That the default be taken off, and that all demands between them be by a Rule of Court referred to such men as shall by them be chosen in Court, their Report to be final, and to be made as soon as may be.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Justices of the Inferior Court of Common Pleas next to be held for the County of Essex be, and hereby are impowered to admit the Parties to the Action referred to in the said Petition to enter into a Rule of Court, the Judgment heretofore rendered in said Action notwithstanding. And upon such Rule being entered, the Judgment aforesaid be set aside and rendered null and void, and that the said Justices be impowered to give Judgment anew upon the Report, in consequence of such Rule in like manner as they might by Law have done, if the first Judgment had not been rendered. [*Passed October 25.*]

CHAPTER 103.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE (1763) FOR THE COUNTY OF BARNSTABLE AND ALLOWING £1.17.6 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware the Year preceeding in the County of Barnstable, reported That they had sold the same to m^r Sturgis

Legislative
Records of the
Council, xxv.,
286.

House Jour-
nal, p. 114.
Aide, p. 479,
chap. 244.

Legislative
Records of the
Council, xxv.,
290.

House Journal, p. 117.
Ante, p. 465,
 chap. 217.

Gorham for the Sum of £44.13.4 for which they had taken his Bond with two Sureties, and delivered the same to the Province Treasurer
 Signed, JAMES OTIS per Order.

Read and accepted And

Ordered That the Sum of One pound seventeen shillings and six pence be paid out of the Public Treasury to the Committee for their Service in the Affair. [*Passed October 27.*]

CHAPTER 104.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE (1764) FOR THE COUNTY OF BARNSTABLE AND ALLOWING £1. 5. 6 FOR THE EXPENSE THEREOF.

Legislative
 Records of the
 Council, xxv.,
 290.

House Journal, p. 118.
Ante, p. 533,
 chap. 53.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Barnstable the current year, reported that they had Sold the Same to M^r Barnabas Howes for the Sum of £49.9.4 for which they had taken his Bond with two Sureties, and delivered the same to the Province Treasurer.
 Signed, JAMES OTIS per Order

Read and Accepted and

Ordered That the sum of One pound five shillings and six pence be paid out of the Public Treasury to the Com^{tee} for their Service in the Affair. [*Passed October 27.*]

CHAPTER 105.

RESOLVE IMPOWERING JEHIEL SIMMONS AND RHODA, HIS WIFE, TO SELL LAND.

Legislative
 Records of the
 Council, xxv.,
 290.

House Journal, pp. 111, 112.
 Province
 Laws, ii., 151,
 chap. 10.

A PETITION of Jehiel¹ Simmons of N^o 4 in the Province of New Hampshire and Rhoda his Wife Setting forth, That the said Rhoda is one of the Grand children of William Stetson late of Scituate in the County of Plymouth deceased, and as such, is interested with her two Brothers Malachy Stetson and Luther Stetson in about 50 Acres of Land lying in Scituate aforesaid, that the eldest of them is about to Sell his part thereof, that it is under no improvement, and as it lyes at such a distance from them, Praying that as she is under the Age of twenty one years, they may be enabled to make Sale of the said Rhoda's Share of said Land.

[Read and]

Resolved That the Prayer of this Petition be granted, and that the Petitioners be, and are hereby Authorized and empowered to make Sale of said Rhoda's Interest in the Estate mentioned in said Petition, and to make and execute a good deed or deeds thereof in the Law, notwithstanding the said Rhoda's being under Age. [*Passed October 27.*]

¹ The House Journal, p. 111, reads, "*Abiel*."

CHAPTER 106.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER FROM MAY 25, 1763, TO MAY 30, 1764, AND DISCHARGING HIM OF £235,775. 10.

THE COMMITTEE to whom was referred the Examination of the Account of Harrison Gray Esq^r Treasurer and Receiver General of his majesty's Revenue within this Province of the Massachusetts Bay in New England beginning the 25th may 1763, ending may 30th 1764, having attended that Service, upon examining the same find them right cast and well vouched, by which it appears that the said Accomptant charges himself with the Sum of Ninety five thousand three hundred seventy five pounds, sixteen shillings and six pence, being so much due for outstanding debts, with the Sum of One hundred twenty three thousand, nine hundred twenty eight pounds, fifteen shillings and eight pence, balance due by last Account, Also with the sum of Fifty two Thousand and seventy one pounds fifteen shillings and eight pence, a tax laid upon Polls and Estates for the year 1763, Also with the Sum of Forty seven thousand six hundred pounds received of sundry Persons for Bills of Exchange drawn on m^r Agent Manduit, Also with the Sum of Two hundred Sixty two pounds eight shillings and six pence a tax laid on Coasting Vessels, Also with the Sum of One hundred ninety pounds received of Thomas Flucker Esq^r being for Earnest money for Lands sold at Vendue, Also with the Sum of One hundred fifty nine pounds ten shillings received of Col^o Ingersol for monies he received to recruit men more than he disposed of. Also with the Sum of Seventy two thousand three hundred thirty four pounds, being monies borrowed of sundry Persons by virtue of sundry Acts of Government. Also with the Sum of Fifteen thousand two hundred ninety six pounds one shilling & eleven pence received of Collectors of Excise upon Spirituous Liquors. Also with the Sum of Thirteen hundred seventy nine pounds four shillings and six pence received of sundry Farmers of Excise upon Tea and Coffee &c, Also with the Sum of One hundred and nine pounds six shillings and four pence received of sundry Sheriffs and Justices for Fines &c^a Also with the Sum of Fifteen hundred sixteen pounds, fourteen shillings and eleven pence, received of the hon^{ble} James Russell Esq^r Commissioner of Impost Duties. All which Sums amount to Four hundred and ten thousand two hundred twenty three pounds four shillings.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursments by order of the Governor by and with the Advice of the Council, amounting to Thirty nine Thousand eight hundred thirty five pounds nine shillings and ten pence, Also by Government Securities which he has redeemed, and which are burnt by a Committee of both Houses amounting to One hundred eighty five thousand two hundred seventy nine pounds five shillings and five pence, By one years interest paid on Government Securities amounting to ten thousand six hundred and sixty pounds fourteen shillings and nine pence, Also by outstanding Taxes due from the several Towns amounting to Seventy two thousand four hundred ninety three pounds sixteen shillings and five pence: and by balance in hand further to account for, One hundred and one thousand nine hundred fifty four pounds,

Legislative
Records of the
Council, xxv.,
291. Mass.
Archives,
cxxxv., 285.

Mass.
Archives,
cxxxv., 283.
Legislative
Records of the
Council, xxv.,
242. House
Journal, pp. 50,
106.

seven shillings and seven pence, All which Sums amount to Four hundred and ten thousand two hundred twenty three pounds fourteen shillings.

Whereupon the following Order passed the Court viz^t

Resolved that the Treasurer be and he hereby is discharged of the several payments in the foregoing Account amounting to two hundred and thirty five thousand Seven hundred & Seventy five pounds ten Shillings. also that He be further accountable for the Sum of seventy two thousand four hundred and ninety three pounds Sixteen Shillings and five pence (out standing taxes due from the several Towns) when recieved into the Treasury. And the further Sum of one hundred and one thousand nine hundred and fifty four pounds Seven Shillings and seven pence ball^a in hand.

all which Sums amount to four hundred and ten thousand and two hundred and twenty three pounds fourteen Shillings. [*Passed October 27.*]

CHAPTER 107.

ORDER ALLOWING THE PROVISION ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxv.,
292.

Legislative
Records of the
Council, xxv.,
242. House
Journal, pp. 50,
114.

THE COMMITTEE appointed by the two Houses respectively on the Accounts of Thomas Hubbard Esq^r Commissary General having severally reported thereon, the following Orders passed on the said Accounts viz^t Upon his Account of Provisions &c^a purchased and delivered out by him as follows viz^t

Read and

Ordered That the within Account be allowed; and that the balance thereof being forty nine barrells of Pork, two barrels of Beef, nineteen and $\frac{3}{4}$ bushells of Peas five Gallons of Molosses, and thirty four Gallons of Rum, the said Commissary is further accountable to said Province for. [*Passed October 27.*]

CHAPTER 108.

ORDER ALLOWING THE INDIAN TRUCK TRADE ACCOUNT OF THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxv.,
293. Mass.
Archives, cxx.,
463.

Mass.
Archives, cxx.,
462. House
Journal,
pp. 113, 114.
Supra, chap.
107.

THE COMMITTEE appointed to examine the Accounts of Thomas Hubbard Esq^r Commissary General have attended that Service & find the above Account right cast & well vouch'd, & that there is due from him to the province the Sum of Twenty Five Hundred & Thirty pounds Two Shill^{es} & Eight pence, which he is further to account for

By Order of the Committee

JAMES OTIS

Read and

Ordered that this Account be allowed and that the Ball^a thereof being Twenty five hundred and thirty pounds two Shillings and eight pence the said Commissary is further accountable to said Province for. [*Passed October 27.*]

CHAPTER 109.

ORDER ALLOWING THE GENERAL ACCOUNT OF THE COMMISSARY GENERAL.

THE FOLLOWING ORDER passed on the Commissary Generals Account current viz^t

Read and

Ordered That this Account be allowed, and that the balance thereof being Thirty three pounds, eleven shillings and seven pence the Province is further accountable to said Commissary for. [*Passed October 27.*]

Legislative
Records of the
Council, xxv.,
293.

House Jour-
nal, p. 114.
Supra, chap.
108.

CHAPTER 110.

ORDER CONFIRMING A GRANT OF 300 ACRES OF LAND TO STEPHEN MINOT.

A PLAT of three hundred Acres of Land in the County of Hampshire on the East Line of the New Township N° 5 lying on both Sides of Westfield River, laid out by order of Court to m^r Stephen minot was laid before the Court for Allowance; the said Land being bounded as follows viz^t beginning at a Beech Tree the northwest corner running East 19° South, (by Province Land) fifty two Rods to a small Beach Tree; thence running South 20° West by Land laid out to the Proprietors of Murray field (or N° 9) One hundred fifty and eight Rods to a Birch Tree marked; thence running East 20° South, One hundred and two rods to a Hemlock Tree, thence running South 19° West two hundred and sixty four rods (by Province Land) to a Beach Tree, thence West 19° North one hundred and fifty one Rods to a Stake and Stones in the line of the Township N° 5, then running north 19° East on the line of said N° 5 strait to the Corner first mentioned.

(Subscribed) October 16: 1764. Surveyed.

✍ CHARLES BAKER

Read and

Ordered That the within Plan be accepted, and the lands herein delineated and described, be and hereby are confirmed to the within named Stephen Minot his heirs and Assignes, Provided the Plan exceeds not the quantity of the Grant, and dos not interfere with any former Grant. [*Passed October 27.*]

Legislative
Records of the
Council, xxv.,
293.

Maps and
Plans, Mis., ii.,
28. House
Journal, p. 116.
Ante, p. 495,
chap. 280.

CHAPTER 111.

ORDER ALLOWING A PROVINCE LAW BOOK TO NEWBURYPORT.

Ordered That the Town of Newbury Port be allowed a Province Law Book at the publick Charge. [*Passed October 27.*]

Legislative
Records of the
Council, xxv.,
294.

House Jour-
nal, p. 118.

CHAPTER 112.

ORDER IMPOWERING MOSES HAVEN AND WIFE TO SELL PART OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
294.

House Jour-
nal, p. 116.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Moses Haven and Anne his Wife, John Stow, Joseph Stow, David Stow, Samuel Stow, and Ephraim Sherman Guardian to Timothy Stow; the said John, Joseph, David, Samuel and Timothy being Children of Thomas Stow, late of Grafton deceased, Setting forth, That the said Thomas Stow died seized of certain Lands and Buildings situate partly in Sutton and partly in Grafton one third part whereof was set off to the said Anne, formerly Wife to the said Thomas Stow; That she being again married, and living remote, can improve it only by leasing of it out, which she finds attended with sundry inconveniences, besides which the Buildings and fences are going to decay And Praying that they or some of them may be impowered to sell the said Thirds set off as aforesaid, the said Anne to have the Income of the produce of such Sale during her natural Life, and the heirs of the said Thomas Stow, to receive the principal at her Death,

[Read and]

Ordered That the Prayer of the within Petition be granted, and that moses Haven and his Wife be, and are hereby fully Authorized and impowered to make Sale of her Thirds of the Estate within mentioned for the most it will fetch, and to execute a good deed or deeds of the same, they observing the directions in the Law for the Sale of Real Estates and giving sufficient caution to the Judge of Probate for the County of Worcester, that the Principal Sum arising by said Sale shall at her decease be well and truly paid to the Children of Thomas Stow deceased, her former husband or their legal Representatives according to their respective Interest. [*Passed October 27.*]

CHAPTER 113.

ORDER ALLOWING £8. 15 TO CORNL^s SYDER.

Legislative
Records of the
Council, xxv.,
295. Mass.
Archives
lxxx., 524^a.

Mass.
Archives,
lxxx., 523.
House Jour-
nal, pp. 97, 116.

A PETITION of Cornelius Syder Setting forth, That he was a Soldier in Cap^t Cain's Company in the Pay of this Province at Halifax, and that he was made up in the said Captains muster Roll, on which was £8.15.6 due to him, of which Sum he hath not, nor can he receive any part, by reason that some evil minded Person hath under a pretence of being the Man made up in the Roll by the name aforesaid, received the said Sum, and given a discharge therefor, without any order; nor can he tell who the said Person is, or where to find him. And Praying Relief.

Read and

Ordered that the Sum of Eight pounds fifteen Shillings be allowed and paid out of the publick Treasury to the Pet^r in full consideration for the Wages mentioned. [*Passed October 27.*]

CHAPTER 114.

ORDER ALLOWING 49/ TO DR. BENJ^A STOCKBRIDGE.

A PETITION of Benjamin Stockbridge of Scituate Physician, Setting forth, That in the year 1760, he visited, and administred medicine to one Francis Mitchell, a French Neutral, so called at which time such Accounts were discharged by the Selectmen of the Towns where they were placed, which were afterwards reimbursed out of the Province Treasury: But as he did not apply seasonably to the Selectmen of Marshfield, where the said Francis was placed, he is now without remedy, but by applying immediately to this Court, And Praying Relief.

Read and

Ordered that the Sum of forty Nine Shillings be allowed and paid out of the Treasury to the Pet^r in full of the Acc^t annexd. [*Passed October 27.*]

Legislative
Records of the
Council, xxv.,
295. Mass.
Archives,
xxiv., 506.

Legislative
Records of the
Council, xxii.,
607. House
Journal, p. 118.

CHAPTER 115.

RESOLVE IMPOWERING JEDEDIAH BRIANT TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jedediah¹ Bryant, Widow of Jose Bryant, late of Salisbury in the County of Essex deceased Setting forth, That the said Jose dyed in the Army at Lake George in the year 1755, leaving two small Children. That he died siezed with others in one acre of Meadow in Sudbury in the County of Middlesex lying in common between them, and of two Acres of Wood land in Sudbury aforesaid; that they are of no profit to her or her Children, as they lye so remote from them. And Praying that She may be impowered to Sell the same for their mutual benefit.

[Read and]

Resolved That the Prayer of the Petition be granted and that Jedidah Briant be & hereby is Impowered to sell the within mentioned real Estate of Jose Briant deceased for the most it will fetch & to execute a good Deed or Deeds for the same, She² observing the directions of the Law respecting the sale of real Estates & giving sufficient Security to the Judge of Probate, for y^e County of Essex that the Proceeds of the sale be put on Interest for y^e benefitt of the Childrean within mentioned. [*Passed October 27.*]

Legislative
Records of the
Council, xxv.,
295. Mass.
Archives,
lxxx., 536.

Mass.
Archives,
lxxx., 535.
House Jour-
nal, p. 113.

CHAPTER 116.

ORDER GRANTING TO SAM^L MOOR LICENCE TO KEEP AN INN.

A PETITION of Samuel Moor of Bolton Setting forth, That he lives on a great Road leading from Lancaster to Boston, and is well situated for a Public House, and that the former Innholder hath laid down to the Business. And Praying that the Court of Sessions

Legislative
Records of the
Council, xxv.,
296. Mass.
Archives, cxi.,
535.

¹ In Mass. Archives, lxxx., 536, the petition is signed "Jeddiah."

² The House Journal, p. 113, reads, "he."

Mass.
Archives, cxl.,
534. House
Journal, p. 121.

for the County of Worcester may be impowered at their next Term to grant him a License for the purpose aforesaid.

Read and

Ordered that the Justices of the general Sessions of the peace for the County of Worcester be and hereby are impowered at their next session to grant the Pet^r a Licence to keep a house of entertainment where He now dwells (if they see cause) He first obtaining the approbation of the Select Men of Bolton for that purpose the remaining part of the Year. the time for granting Licences being elapsed notwithstanding. [*Passed October 29.*]

CHAPTER 117.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxv.,
297.

House Jour-
nal, pp. 12, 117.

THE ACCOUNT of Solmon Otis, Treasurer of the County of Barnstable having been laid before the Court for Allowance, the following Order passed thereon viz^t

Read and

Ordered That the within Account be allowed, and that the balance thereof being twelve pounds three shillings and three farthings the said Treasurer be further accountable to said County for. [*Passed October 29.*]

CHAPTER 118.

ORDER IMPOWERING AND^w LUCKES AND ESTHER HIS WIFE, EXEC^{TRIX}, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxv.,
216, 297.

House Jour-
nal, pp. 19, 122.

A PETITION of Andrew Lucas of Colerain in the County of Hampshire and Esther his Wife Executrix of the last Will of her former Husband Archibald Pannel of said Colerain deceased, and of Andrew Smith of Holden in the County of Worcester yeoman. Setting forth, That the said Archibald in his life time conveyed to the said Andrew Smith a 100 Acre Lot N^o 5 in the 2^d division of Lots in said Colrain and executed a deed thereof which was duly Acknowledged before a Justice of the Peace; but so it hapned that before the deed aforesaid was recorded the said Andrew Smiths House was burnt and in it the said deed. And praying that the said Andrew Lucas and Esther his Wife as Administratrix as aforesaid may be impowered to execute a new deed of the said Lot to the said Andrew Smith.

The Petition of Andrew Luckes, Esther Luckes and Andrew Smith as passed in June last, Read together with the Answer of Sarah McCreles, Guardian to the heirs of Archibald Pennel deceased And

Ordered That the Prayer of the Petition be granted; and that the said Andrew Luckes and Esther Luckes his Wife, in her capacity of Executrix be, and they hereby are impowered to make and execute a good and sufficient deed in Law unto the said Andrew Smith of the Lot of Land mentioned in their Petition: and that the same be thereby confirmed to the said Andrew Smith in as

effectual a manner to all intents and purposes, as it would have been, had the deed thereof made by the said Archibald Pannell been fully executed. [*Passed October 30.*¹

CHAPTER 119.

RESOLVE IMPOWERING DAN^L HASTINGS, ADM^R, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Hastings Administrator of the Estate of Samuel Holland late of Shrewsbury, yeoman deceased, Setting forth, That the deceaseds personal Estate was not Sufficient by £77.4.5½ to discharge his just debts, exclusive of the Charges of Administration; That he died siezed of one undivided moiety of One hundred and eighty Acres of Land in Shrewsbury appraised at £213.6.8, That a part of said Moiety cannot be sold without great Damage to the Remainder; and that the deceased left a Widow and nine Children, all in their Minority. And Praying That he the said Daniel Hastings as Administrator may be impowered to make Sale of the premises in order to pay the deceaseds debts, he to be accountable for the remainder.

[Read and]

Resolved That the Prayer of this Petition be granted, And the Petitioner in his said capacity is accordingly impowered to make Sale of the whole of the moiety abovementioned for the most the same will fetch, and to make and execute a good deed or deeds thereof, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester, that he will duly pay the debts of the said deceased and the Overplus shall be distributed agreeable to Law. [*Passed October 30.*

Legislative
Records of the
Council, xxv.,
298.

House Jour-
nal, pp. 118, 119.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 120.

ORDER ALLOWING £2 PER ANNUM ADDITIONAL TO EDW^P MANCHESTER.

A PETITION of Edward Manchester of Dartmouth Setting forth, That He was a Soldier in the Pay of the Province in Col^o Richmonds Regiment at the reduction of Louisbourg, and was there blown up by the Magazines taking fire, where he had several Bones broken, and was so burnt as to be rendered almost blind. That the Court in consideration hereof granted him a pension of Three pounds, which he thankfully acknowledges, but finds to be insufficient for his Support, and he is unable to Labour. Therefore praying some further Allowance.

Read and

Ordered that there be allowed to the Pet^r a further pension of forty Shillings a year in addition to what is already granted him. to begin the 30th instant and to continue during the pleasure of the Court. [*Passed October 30.*

Legislative
Records of the
Council, xxv.,
299. Mass.
Archives,
lxxx., 534.

Mass.
Archives,
lxxx., 534.
House Jour-
nal, p. 123.
Province
Laws, xiv., 729,
chap. 255.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is October 29.

CHAPTER 121.

Legislative
Records of the
Council, xxv.,
299.

Legislative
Records of the
Council, xxv.,
106. House
Journal,
pp. 141, 142
(December,
1763); pp. 123,
124.

ORDER SETTING OFF GEORGE AND JOHN BLACKINGTON WITH THEIR ESTATES FROM WRENTHAM TO ATTLEBOROUGH.

Ordered That George and John Blackington of Wrentham with their Polls and Estates, be, and hereby are set off from the Town of Wrentham, and annexed to the Town of Attleborough, there to do duty, and receive privileges, agreeable to a Resolve passed the two Houses of this Court in December 1763;¹ They paying all their past Taxes, in the Town of Wrentham, as also their Taxes for the current year. [*Passed October 30.*]

CHAPTER 122.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative
Records of the
Council, xxv.,
299.

House Jour-
nal, pp. 12, 123.

THE ACCOUNT of Joshua Henshaw Esq^r Treasurer for the County of Suffolk having been laid before this Court for allowance, the following Order passed thereon viz^t

Read and

Ordered That the within account be allowed, and that the balance thereof being Two hundred and seventy nine pounds, nineteen shillings and ten pence three farthings, the said Treasurer is further accountable to said County for. [*Passed October 30.*]

CHAPTER 123.

RESOLVE IMPOWERING EPHRAIM SHERMAN, GUARDIAN, TO SELL LAND.

Legislative
Records of the
Council, xxv.,
293.

House Jour-
nal, p. 113.
Province
Laws, II., 151,
chap. 10.

A PETITION of Ephraim Sherman, Guardian of Timothy Stow, a Minor, Setting forth, That in the division of the Estate of his Father Thomas Stow late of Grafton deceased, there was assigned and sett off to the said Timothy about nine or ten Acres of Wood land in Sutton which is unfit for a Settlement; and there being now a good opportunity to Sell the said Land, Praying that he may be empowered to make Sale thereof; he to be accountable.

[Read and]

Resolved That the Prayer of the Petition be granted, and that the Petitioner Ephraim Sherman be, and hereby is empowered in his capacity as Guardian to make Sale of the mentioned Land lying and being in Sutton, for the most the same will fetch, and to execute a good deed thereof, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of Worcester, to account for the proceeds of the Sale thereof to the Person interested therein. [*Passed October 31.*]

¹ See Legislative Records of the Council, xxv., 106.

CHAPTER 124.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF £192,454. 13. 6.

THE COMMITTEE appointed to repair to the Treasurers, and take an Account of the Government Securities in his hands, and see them burnt and consumed to Ashes, have attended that Service and have received of m^r Treasurer Gray Government Securities payable in June 1763 of the old form Forty hundred and fifteen pounds six shillings and eight pence: the Interest paid thereon One hundred eighty five pounds and three pence, makes Forty two hundred pounds, six shillings and eleven pence, Also Government Securities payable in June 1763 of the new form, Nineteen thousand three hundred Ninety six pounds, the Interest paid thereon, eleven hundred twenty five pounds and eight pence, makes twenty thousand five hundred and twenty one pounds and eight pence, Also Government Securities payable in June 1764 Old form Thirteen thousand and seventy eight pounds, five shillings and four pence; the Interest paid thereon, Nine hundred twenty one pounds thirteen shillings and seven pence, makes Thirteen thousand, nine hundred ninety nine pounds eighteen shillings and eleven pence, Also Government Securities payable in June 1764, New form Ninety one thousand seven hundred, twenty five pounds; the Interest paid thereon Fifty seven hundred, fifty two pounds, eighteen shillings and seven pence, makes Ninety seven thousand four hundred seventy seven pounds, eighteen shillings and seven pence, Also Government Securities payable in June 1765, Old form, Three hundred twelve pounds four shillings and one penny, the Interest paid thereon Twenty two pounds fifteen shillings and seven pence, makes Three hundred thirty four pounds, nineteen shillings and eight pence, Also Government Securities payable in June 1765 new form, Fifty three thousand One hundred twenty seven pounds the Interest paid thereon Twenty seven hundred ninety three pounds, eight shillings and nine pence, makes Fifty five thousand, nine hundred twenty pounds, eight shillings and nine pence, makes Fifty five thousand, nine hundred twenty pounds, eight shillings and nine pence, All which Sums amount to One hundred ninety two thousand, four hundred fifty four pounds thirteen shillings and six pence, which we have seen burnt & consumed to Ashes.

(Signed) AND^w OLIVER p Order

Read and

Ordered that this report be accepted and the Treasurer is hereby discharged of the Sum of One hundred Ninety two thousand four hundred and fifty four pounds thirteen Shillings and six pence accordingly. [*Passed October 31.*]

Legislative
Records of the
Council, xxv.,
300. Mass.
Archives, clv.,
289.

Mass.
Archives, clv.,
288. Legisla-
tive Records of
the Council,
xxv., 262.
House Jour-
nal, pp. 83, 125.

CHAPTER 125.

RESOLVE WITH STAY OF ALL PROCEEDINGS ON THE PETITION OF THE FIRST PRECINCT OF REHOBOTH IN REGARD TO A MINISTERIAL TAX AND APPOINTING A COMMITTEE THEREON.

Legislative
Records of the
Council, xxv.,
301.

Mass.
Archives, xiv.,
390. House
Journal,
pp. 117, 127, 129.

A PETITION of Aaron Reed and Others a Committee of the first Precinct in Rehoboth, together with a Memorial of the Church in said Precinct.¹ Read and

Resolved That Cap^t Howard, Col^o Clapp, and Cap^t Sheaffe with such as the hon^{ble} Board shall join, be a Committee to repair to the said first Precinct in Rehoboth, in the recess of the Court, giving seasonable notice to all Parties concerned, and inquire into all the matters of contention between them, and endeavour an accomodation, which if they cannot affect, to report the State and circumstances of that Precinct, with their opinion what is proper for this Court to do thereon: and that all proceedings relative to the Tax mentioned in the said Petition be stayed in the mean time. The Charge of the Committee to be borne by those that have requested to be released from paying to the Settlement and Salary of the Rev^d M^r Carnes their Minister. In Council Read and Concurred and George Leonard and Benjamin Lincoln Esq^{rs} is joined in the Affair. [*Passed November 1.*]

CHAPTER 126.

ORDER ALLOWING £3. 6. 8 TO W^m PARKER.

Legislative
Records of the
Council, xxv.,
302. Mass.
Archives,
lxxx., 530.

Mass.
Archives,
lxxx., 530.
House Jour-
nal, p. 127.

A PETITION of William Parker, a Soldier in the Pay of the Province in 1761, Praying a confirmation of a Grant of £3.6.8 made him by the two Houses in January last, for his Sufferings and Expences on his return home, which Petition was burnt with the College before the said Grant was completed.

[Read and]

Ordered that the Sum of three pounds Six Shillings and eight pence be paid to Thomas Smith Esq^r out of the publick Treasury for the Use of the Pet^r in full. [*Passed November 1.*]

CHAPTER 127.

ORDER ALLOWING £5. 13. 1 TO HEZ: CHAPIN.

Legislative
Records of the
Council, xxv.,
302. Mass.
Archives,
lxxx., 495.

House Jour-
nal, pp. 109, 126.

A PETITION of Hezekiah Chapin of Bernardston Setting forth, That in the year 1760, He was in the Province Service on the Frontiers under Col^o Seth Pomroy; but that thrò: mistake his name was not inserted in the muster Roll, And Praying that he may be allowed Wages and billeting, agreeable to the officers certificate, shewing the time for which he is intitled to the same.

Read and

Ordered that the Sum of five pounds thirteen shillings and one penny be paid out of the publick Treasury to the Pet^r in full for his Wages and billeting mentioned. [*Passed November 1.*]

¹ The words "In the House of Representatives" are omitted in the Legislative Records of the Council, xxv., 301.

CHAPTER 128.

ORDER ALLOWING £8 TO SOL^O DUNHAM.

A PETITION of Solomon Dunham of Boston Setting forth, That he was in the Province Service on board the Snow Prince of Wales Cap^t Dowse when taken by the Enemy: That he was carried into Louisbourg and from thence sent to France where he remained a prisoner many Months, great part of which time he was Sick and endured many hardships, and Praying an Allowance.

Read and

Ordered that the Sum of eight pounds be allowed out of the publick Treasury to the Pet^r in consideration of his sufferings mentioned. [*Passed November 1.*]

Legislative
Records of the
Council, xxv.,
303. Mass.
Archives,
lxvi., 250.
Mass.
Archives,
lxvi., 249.
House Jour-
nal, pp. 102, 125.

CHAPTER 129.

ORDER GRANTING TO W^M VANS LICENSE TO SELL STRONG DRINK.

A PETITION of William Vans of Salem Setting forth, That he is very advantageously situated for supplying the Fishery and other persons with spirituous Liquors; but that the unhappy situation of his affairs prevented his applying in Season to the Court of General Sessions of the Peace for a License at the proper Term: And Praying that they may be empowered at their next Session to grant him a License for that purpose.

Read and

Ordered that the Justices of the general Sessions of the Peace for the County of Essex be allowed at their next term to grant the Pet^r a Licence to retail spirituous Liquors the remaining part of the year (He first obtaining the approbation of the Select men of Salem for that service) the time for granting Licences being elapsed notwithstanding. [*Passed November 1.*]

Legislative
Records of the
Council, xxv.,
303. Mass.
Archives, cxv.,
472.
Mass.
Archives, cxv.,
471. House
Journal,
pp. 125, 126.
Province
Laws, iv., 548,
note.

CHAPTER 130.

RESOLVE REMITTING A TAX OF £44. 7. 6 TO NARRAGANSETT TOWNSHIP N^O 1.

A PETITION of Joseph Woodman and others, Inhabitants of Narraganset N^O one in the County of York Setting forth, That being a Frontier Settlement, they were obliged 'till the Reduction of Quebec in 1759 to keep Watch and Ward; that having since had two years of great drought and scarcity, they were almost reduced to Famine thereby; in addition to which in the year 1762, a desolating Fire ravaged their Improvements, and burnt several of their Dwellings; in which year a Tax of £44.7.6 was laid on them, which they are unable to pay, as many of the Inhabitants were reduced to Penury and obliged to remove elsewhere. And Praying that the said Tax may be remitted.

Read &

Resolved that the prayer of this Petition be granted by remitting

Legislative
Records of the
Council, xxv.,
303. Mass.
Archives,
cxviii., 63.
Mass.
Archives,
cxviii., 61.
House Jour-
nal, pp. 123, 126,
127. Province
Laws, iv., 533,
chap. 12; 632,
note.

the Tax of Forty Four pounds Seven Shill^{ss} & Six pence laid on Narragansett Township Number One in the Year 1762, and that the Treasurer be directed to stay the Execution gone forth against them therefor. [*Passed November 1.*]

Legislative
Records of the
Council, xxv.,
304. Mass.
Archives, l.,
204.

CHAPTER 131.

ORDER ALLOWING £30 TO THE HON. THOMAS HUTCHINSON.

Ordered that the Sum of thirty pounds be paid out of the publick Treasury to the Hon^{ble} Thomas Hutchinson Esq^r in full for stating the case of the Province of the Massachusetts Bay and New York respecting the boundary Line between the two Provinces; and all other services performed by His Hon^r at the special desire of the General Court. [*Passed November 2.*]

Legislative
Records of the
Council, xxv.,
10, 19. House
Journal,
pp. 126, 127, 128.
Province
Laws, iv., 1006,
note. *Ante*,
p. 439, chap.
137.

CHAPTER 132.

ORDER GRANTING TO BENJAMIN OSGOOD AND JOHN FELT LICENCES TO SELL STRONG DRINK.

A PETITION of Benjamin Osgood and John Felt both of Salem Shoreman, Setting forth, That they are concerned in several fishing Vessels, which used to be supplied with Rum and other Liquors thro^u Mr Timothy Orne, a licensed Person, who now declines the business, and as the time by Law appointed for granting Licenses in the County of Essex is elapsed, Praying that the Justices of the Court of General Sessions of the Peace for the County of Essex may be impowered to grant each of them Licenses to retail strong Liquors at their next Session, the time for granting such Licenses being elapsed notwithstanding.

Read and

Ordered that the Justices of the gen^l sessions of the Peace for the County of Essex be impowered (if they see cause) at their next session to grant the Pet^r liberty to retail strong Liquors (they first obtaining the approbation of the Select Men of Salem for that purpose) the remain^g part of the Year, the time for granting Licences being elapsed notwithstanding. [*Passed November 2.*]

Legislative
Records of the
Council, xxv.,
305. Mass.
Archives, cxv.,
474.

Mass.
Archives, cxv.,
474. House
Journal, p. 132.
Province
Laws, iv., 548,
note.

CHAPTER 133.

ORDER ALLOWING £4.10 TO ICHAB^d GOODWIN.

A PETITION of Ichabod Goodwin of Berwick Setting forth, That he had the Command of a Company in Col^o Prebbles Regiment in the Pay of the Province in 1758, and was wounded in the action of Ticonderogo, the Effects whereof he hath felt ever since: That he was at the expence of Doctors at Albany, and at extraordinary charges on returning home And Praying an Allowance.

Legislative
Records of the
Council, xxv.,
305. Mass.
Archives,
lxxx., 528.

Mass.
Archives,
lxxx., 528.

Read and

Ordered that the Sum of four pounds ten Shillings be paid out of the publick Treasury to Benjamin Chadburne Esq^r for the Use of the Pet^r in full. [*Passed November 2.*]

House Jour-
nal, p. 130.

CHAPTER 134.

ORDER DECLARING THE ASSESSMENT OF £160 ON S^o BRIMFIELD NULL AND VOID.

A PETITION of Tristram Davis and others in behalf of the District of South Brimfield Setting forth, That they were lately sett off as a separte District, principally with a view that they should be better accomodated in attending on the Publick Worship; since which they have been unhappily contending among themselves where to place a House for that purpose, until at length a Vote was obtained by the majority of only one, among which majority were some Anabaptists to place the House within one mile and a half of the East Line of the said District leaving some of the Inhabitants four or five miles remote from it, whereas there is but little odds in the Settlements at each end of the District, and that they have accordingly proceeded to raise the Frame of said House, and in part to cover it. And praying the interposition of this Court for their Relief.

Read and Accepted. And

Ordered That the Petition of the District of South Brimfield, preferred to this Court at their Session in may last be dismissed, and the assessments made on the Inhabitants of said District for raising the sum of £160 for building and finishing a meeting house thereon are hereby declared void; it appearing that the several Meetings of the Inhabitants, at which the Votes were obtained for raising the same were illegal. and the Collector or Collectors to whom the said assessments were committed are hereby directed to stay all proceedings in collecting the said Sum or any part thereof. [*Passed November 2.*]

Legislative
Records of the
Council, xxv.,
230, 305.

Legislative
Records of the
Council, xxv.,
85, 290. House
Journal,
pp. 118, 121, 130.
Province
Laws, iv., 601,
chap. 15; S75,
note.

CHAPTER 135.

ORDER IMPOWERING HEZ^{ia} MAYNARD, ADM^r, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hezekiah Maynard, Administrator of the Estate of Bezaleel How late of Leicester Intestate deceased Setting forth, That the deceaseds personal Estate is not sufficient by £50.7.8 to pay his just debts; that he hath an Interest in certain Real Estate lying in Leicester, the amount of which is about Sixty pounds And Praying leave to Sell the same for payment of debts, He to be accountable.

[Read and]

Ordered That the Prayer of the Petition be granted; and that the Petitioner be, and he hereby is empowered in his capacity of Administrator to make Sale of the Land within mentioned for the most the same will fetch, and to execute a good deed or deeds in Law

Legislative
Records of the
Council, xxv.,
306.

House Jour-
nal, p. 132.
Province
Laws, ii., 151,
chap. 10.

for the Conveyance thereof, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester, that the Interest of one third part of the money arising by said Sale be applied for the Support of Anna How, Widow of the said Bezaleel How deceased in lieu of her Dower, and the Remainder for the payment of the debts due from the said Estate, and the Overplus, if any there be, be divided among the legal heirs of the said Bezaleel How, as also the said Widows Thirds after her decease. [*Passed November 2.*]

CHAPTER 136.

RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO EXTEND THE TIME FOR RECEIVING CLAIMS AGAINST AN INSOLVENT ESTATE.

Legislative
Records of the
Council, xxv.,
306.

House Jour-
nal, pp. 128, 131.
Province
Laws, i., 48,
chap. 16.

A PETITION of William Story, Administrator debonison of the Estate of Abraham Quincy deceased Intestate, Setting forth, That the Estate of the said deceased was, before he took Administration thereon, represented Insolvent, That before all the demands of the Creditors were adjusted, Mr Vans Chairman of the Commissioners dyed, and the petitioners had no knowledge of any other person being appointed in his Stead, until after they had carried in their Report to the Probate Office. That the time allowed by Law for bringing in the Creditors Claims is expired, and as divers demands were lodged with the Petitioner before the expiration of the Term, which he should have laid before the Commissioners if he had had notice of any new appointment; Praying that a further time may be allowed for the bringing in such Claims.

[Read and]

Resolved That the Prayer of the Petition be granted, and that his Honor the Judge of Probate for the County of Suffolk be, and hereby is empowered to allow the said Commissioners to set one or two months longer, if he shall see cause to receive the Claims of the said Insolvent debtor which have not been before considered by the said Commissioners, and that such Claims so to be received may be then considered by the said Commissioners, and allowed by the said Judge, as if they had been exhibited in due Season. [*Passed November 2.*]

CHAPTER 137.

House Jour-
nal, p. 135.

Mass.
Archives,
ixiii., 534.
Executive
Records of the
Council, xv.,
341. House
Journal,
pp. 131, 132.

ORDER ALLOWING £100 TO SAMUEL KNEELAND ON ACCOUNT OF PRINTING.

THE ACCOMPT of *Samuel Kneeland*, Printer, was presented for allowance.

Read and

Ordered, That the Sum of *One Hundred Pounds* be paid out of the public Treasury to the Accomptant in part of said Accompt. [*Passed * November 3.*]

CHAPTER 138.

VOTE DESIRING THE GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

Voted that his Excellency the governor be desired with y^e advice & consent of his Majesty's council to issue a proclamation for a public thanksgiving throughout this province.¹ [*Passed* November 3.*]

Legislative Records of the Council, xxv., 314. Mass. Archives, xlv., 394.

Mass. Archives, xiv., 395. House Journal, p. 130. Love's Fast and Thanksgiving Days of New England, p. 500.

CHAPTER 139.

ORDER ALLOWING 40/ TO PHEBE CHADBURN.

A PETITION of Benjamin Chadbourn in behalf of Phœbe Chadbourn of Berwick Setting forth, That her son William Chadbourn a Soldier in the Pay of the Province was taken Sick while in the Service, whereupon she was at the expence of sending after him to bring him home. And Praying an Allowance.

Read and

Ordered that the Sum of forty Shillings be paid out of the publick Treasury to Benjamin Chadburne Esq^r for the Use of Phebe Chadburne in full. [*Passed November 3.*]

Legislative Records of the Council, xxv., 314. Mass. Archives, lxxx., 537.

House Journal, p. 134.

CHAPTER 140.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS SUFFERERS BY THE FIRE AT HARVARD COLLEGE.

A PETITION of *Stephen Hall* and others, Sufferers in the late Fire at *Harvard-College*; praying they may be reimbursed the Losses they sustained by said Fire.

[Read and]

Resolved that there be allowed & Paid out of the Publick Treasury to the Petitioners who were sufferers at the late fire at Harvard College as follows viz

Legislative Records of the Council, xxv., 314. House Journal, p. 110. Mass. Archives, lviil., 522.

Mass. Archives, lviil., 504-521. House Journal, pp. 133, 134.

	£	s	d
To Stephen Hall	13.	0.	0
Joseph Lee	10.	0.	0
Joseph Willard	20.	10.	0
Nicholas Pike	26.	10.	0
Sam ^l Curtis	14.	15.	0
Eben ^r & Sam ^l Barnard	72.	10.	0
John Barrows	8.	16.	0
Sam ^l Cheny	15.	0.	0
Sylvanus Ames	7.	5.	0
Nicholas Dudley	11.	0.	0
Moses Holt	14.	10.	0
Silas Biglow	15.	4.	0
Ensign Man	38.	4.	0

[*Passed November 3.*]

¹ The Thanksgiving was appointed for the 29th November, 1764, and was public.

CHAPTER 141.

ORDER ALLOWING £2,000 FOR REBUILDING HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
314. Mass.
Archives,
lviii., 523.

House Jour-
nal, p. 135.
Ante, p. 470,
chap. 231.

Ordered that the Sum of two thousand pounds be paid out of the publick Treasury to the Committee appointed to take care of the rebuilding Harvard College to enable them to proceed in that affair. [*Passed November 3.*]

CHAPTER 142.

RESOLVE IMPOWERING SAM^L MAYO AND ABIG^L HIS WIFE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
314.

House Jour-
nal, p. 107.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Chillingworth Foster in behalf and at the desire of Samuel Mayo and Abigail his Wife of Wellfleet in the County of Barnstable, Setting forth, That the former Husband of the said abigail Stephen Young deceased, left one Daughter, named Abigail, now living and about three years of Age that all the Estate he left her was about three quarters of an Acre of Land, with a new Dwelling House thereon but partly finished, That it is not in her power to finish it, that it daily goes to ruin, and will rent for little or nothing, And Praying that they may be empowered to Sell the premises for the benefit of the said Infant, they to be accountable.

[*Read and*]

Resolved That the Prayer of this Petition be granted, and that Samuel Mayo and Abigail his Wife, be, and hereby are fully Authorized and empowered to make Sale of the House and Land mentioned in said Petition for the most the same will fetch, and to execute a good deed in the Law of the same, observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Administrators, they giving sufficient Security to the Judge of Probate for the County of Barnstable, that the money arising by the Sale thereof be put out to Interest for the benefit of Abigail the Daughter of said Stephen Young deceased. [*Passed November 3.*]

CHAPTER 143.

ORDER ALLOWING £10.2.6 TO THE TOWN OF SUNDERLAND.

Legislative
Records of the
Council, xxv.,
315.

House Jour-
nal, pp. 15, 18,
127, 137. *Ante*,
p. 517, chap. 15.

A PETITION of the Selectmen of Sunderland [*ante*, p. 517, chap. 15] to gether with the Answer of the District of New Salem came under consideration, and the following Order passed thereon viz^t

Read and

Ordered That the Prayer of the Petition be so far granted, That the Petitioner¹ be, and hereby is directed to pay out of the Province Treasury to the Town of Sunderland the Sum of Ten pounds two shillings and six pence; and that the same Sum be added to the Province Tax of the District of New Salem the next year: And this to be in full of any disputes between the Town of Sunderland and the District of New Salem relative to the Representatives Pay. [*Passed November 3.*]

¹ The House Journal, p. 137, reads, "Treasurer."

CHAPTER 144.

ORDER EXTENDING THE TIME FOR THE CONFIRMATION OF THE GRANT
OF THE SIX TOWNSHIPS IN SAGADAHOCK.

A PETITION of Benjamin Harrod in behalf of the several Grantees of Six Townships in the Territory of Sagadahoc, lately granted to James Duncan Benjamin Harrod, John Wier, Edmund Morse, Peter Parker and David Marsh and Others whose Names are inserted in their respective Grants, Setting forth, That Provision was made in the said Grants, that in case his Majesty should not in eighteen Months from the making of them, which was in February A^D 1763,¹ approve thereof, they should be null and void. That they have expended £108 lawfull money for the application made for obtaining his majesty's approbation and upwards of Two Thousand pounds more for the laying out Lands, building Houses and Mills, clearing of Lands and settling Families in said Townships, That his Majesty hath not been pleased as yet to signify his Approbation of the said Grants; And Praying that they may be allowed a further time for the obtaining of his Majesty's Approbation: and further praying that the Government would take the same under their Patronage and Care, by making such Representation of the Province's Right to make such Grants in the Territory of Sagadehock, under the restrictions observed in the making of the Grants aforesaid; and of the Costs which the Grantees have been at and the Damage that will accrue in case the said Grants should not be confirmed.

[Read and]

Ordered That the Petitioners be allowed the further time of eighteen months to obtain his Majesty's Approbation for the Grants mentioned. [*Passed November 3.*]

Legislative
Records of the
Council, xxv.,
315.

House Jour-
nal, pp. 129,
136 *bis.* *Ante*,
p. 171, chap.
401; p. 407,
chap. 63.

CHAPTER 145.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE
ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF SUFFOLK,
AND ALLOWING 10/8 FOR THE EXPENCE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee & China Ware in the County of Suffolk made report, that they had Sold the Same to M^r John Cotton for One hundred and thirty pounds for which they had taken Bond with Sureties, and delivered the same to the Province Treasurer.² [*Passed November 3.*]

Legislative
Records of the
Council, xxv.,
316.

House Jour-
nal, p. 134.
Ante, p. 531,
chap. 47.

¹ *Sic*, it seems, for 1762. See p. 171, chap. 401.

² The House Journal, p. 134, reads: "which was read and accepted, and

Ordered, That the Committee be allowed *ten Shillings and eight Pence*, for their Expence in the Affair." Legislative Records of the Council, xxv., 316, has no order in connection with the above report.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE NINTH DAY OF JANUARY, A.D. 1765.

CHAPTER 146.

ORDER ALLOWING £31. 14. 2½ TO AND^r ELIOT.

Legislative
Records of the
Council, xxv.,
322. Mass.
Archives,
lviii., 531.

Mass.
Archives,
lviii., 529.
House Jour-
nal, pp. 143, 150.
Ante, p. 486,
chap. 258.

A PETITION of Andrew Eliot A B. Butler of Harvard College Setting forth That the General Court have been pleased to allow him, upon his Petition, the Sum of £43.16.3 for the Loss he sustained by the burning of the said College; and were pleased to refer the consideration of the Loss he might sustain by the burning of his Books of Accounts, until he could more fully ascertain the same. That after receiving what he could of the several Scholars, he finds that according to the best computation he can make he is like to lose the Sum of £26.16.2 besides the further Sum of £4.18.1 the Amount of sundry Goods omitted in his last Memorial. And praying Allowance.

Read and

Ordered that the prayer of this Petn be granted and the Province Treasurer is hereby directed to pay the Pet^r the Sum of thirty one pounds fourteen Shillings and two pence half penny in full consideration for the Loss sustain'd by him, when Harvard Hall was consumed by fire. [*Passed January 14.*]

CHAPTER 147.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF LINCOLN AND ALLOWING £1. 10 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
323.

House Jour-
nal, pp. 50, 152.
Ante, p. 534,
chap. 59.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Lincoln made report that they had sold the same to Charles Cushing Esqr for the Sum of Thirty pounds twelve shillings, and taken bond for the same which they had lodged with the Province Treasurer.

Read and Accepted: And

Ordered that the Sum of One pound ten shillings be paid out of the Public Treasury to the Committee for their Service in the Affair. [*Passed January 15.*]

CHAPTER 148.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING £1. 19. 4 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware for the County of Essex, made report that they had sold the same to M^r John Haskins for £382 and taken bond for the same, which they had lodged with the Province Treasurer.

Legislative
Records of the
Council, xxv.,
323.

House Jour-
nal, pp. 48, 153.
Ante, p. 532,
chap. 48.

Read and Accepted: And

Ordered That the Sum of One pound nineteen shillings and four pence be paid out of the public Treasury to the Committee for their Service in this Affair. [*Passed January 15.*]

CHAPTER 149.

ORDER ALLOWING £12 TO JAMES READ.

A PETITION of James Read of Lunenburgh Setting forth That He hath himself been employed in his Majesty's Service during the late War; and that in the year 1760, Joseph Read one of the Petitioners Family, who had also been in the same Service, returned with the Small pox, and communicated the said distemper to the Petitioner, his Wife and seven Children And praying Relief.

Legislative
Records of the
Council, xxv.,
323. Mass.
Archives,
lxxx., 493.

Mass.
Archives,
lxxx., 492.
House Jour-
nal, pp. 53, 152,
153, 154.

Read and

Ordered that there be paid out of the publick Treasury to Sampson Stoddard Esq^r for the use of the Pet^r the Sum of twelve pounds in full for his Cost and Charge in taking care off and providing for one Joseph Reed a Soldier within mentioned when Sick with the small Pox. [*Passed January 15.*]

CHAPTER 150.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING £1. 7 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Worcester, made report, that they had sold the same to Gardiner Chandler Esqr for the Sum of Sixty eight pounds, for the payment of which they had taken sufficient Bond, and delivered the same to the Province Treasurer.

Legislative
Records of the
Council, xxv.,
324.

House Jour-
nal, pp. 49, 157.
Ante, p. 532,
chap. 51.

Read and Accepted. And

Ordered That the Sum of One pound seven shillings be paid to the Committee for their Service in the Affair. [*Passed January 16.*]

CHAPTER 151.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF YORK AND ALLOWING £1. 6. 2 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
325. Mass.
Archives, cxx.,
475.

Mass.
Archives,
cxx., 475.
House Jour-
nal, pp. 49, 156.
Ante, p. 533,
chap. 53.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of York, made report that they had sold the same to Waldo Emerson for the Sum of Forty two pounds, for which Sum they had taken bond and delivered the same to the Province Treasurer.

Read and Accepted and

Ordered that the Sum of One pound Six Shillings and two pence be paid out of the publick Treasury to the Comm^{ee} for their Service in the Affair. [*Passed January 16.*]

CHAPTER 152.

ORDER ADJOURNING COURTS IN WORCESTER COUNTY.

Legislative
Records of the
Council, xxv.,
325.

House Jour-
nal, p. 158.
Province
Laws, iii., 64,
chap. 32.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas are by Law appointed to be held at Worcester for the County of Worcester on the first Tuesday of February next, and divers of the Justices of said Court and other Persons who are concerned in business there, are Members of this Court; and the important Affairs of the Province now depending require their Attendance. Wherefore

Ordered That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by Law are to be holden at Worcester aforesaid, be and hereby are adjourned to the second Tuesday of May next, to be held at the Court house in the said Town of Worcester at ten of the clock in the Forenoon of said day; and all Pleas, Writts, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and other thing and things whatsoever returnable, and having day or days in the said Courts, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in law to all intents and purposes, as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed January 16.*]

CHAPTER 153.

ORDER DIRECTING THE PROVINCE TREASURER TO STAY THE EXECUTION AG^t THO^s STEARNS.

Legislative
Records of the
Council, xxv.,
326.

Legislative
Records of the
Council, xxlii.,
524, 657, 696.
House Jour-
nal, p. 148
(January);
pp. 292, 338
(April, 1761);
p. 158.

Ordered That the Treasurer be directed to stay the Execution against Thomas Stearns on account of the Bond given by him to the said Treasurer for Land granted by the General Court to Palmer Goulding until the further Order of this Court. [*Passed January 16.*]

CHAPTER 154.

ORDER ALLOWING £3 TO ALEX^R STEWART.

A PETITION of Alexander Stewart Setting forth That He came over from Ireland about 30 years since, and hath lived a transient life, so that he is not certain that he can claim a settlement in any one Town in the Province: that he hath served 24 months in his Majesty's Service, and is now become old and decrepid. And praying that this Court would provide for his Passage to his native Country, or otherwise relieve him.

Legislative
Records of the
Council, xxv.,
325. Mass.
Archives, xv^a,
272.
Mass.
Archives, xv^a,
269. House
Journal,
pp. 107, 157.

Read and

Ordered that the Sum of three pounds be granted out of the publick Treasury to Cap^t Joseph Perry of Sherburne by him to be used and improved for the Support of the Petitioner till the first of June next or until there be an opportunity to provide a passage for the said Alexander to his native Country. [*Passed January 16.*]

CHAPTER 155.

RESOLVE IMPOWERING NATHAN ANDREWS AND SARAH ANDREWS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Nathan Andrews and Sarah Andrews, alias Sarah Symonds Guardian of Samuel Symonds and Joseph Symonds Minors, Children of Joseph Symonds late of Boxford in the County of Essex deceased. Setting forth That the said Minors are interested one fourth part in a right of Land in Lunenburgh, containing in the whole two hundred and fifty Acres, which lyes in common and undivided between the said Minors and Daniel Bixby and Samuel Smith both of Topsfield. That the said Land is more charge than income to the Parties interested, and the said Bixby and Smith are determined to sell their Shares; and as it is not well capable of a division, Praying that they may be impowered to sell the said Minors Shares also.

Legislative
Records of the
Council, xxv.,
327.
House Jour-
nal, pp. 155, 156.
Province
Laws, li., 151,
chap. 10.

[Read and]

Resolved That the Prayer of the Petition be granted, and that the Petitioners Nathan Andrews and Sarah Andrews be, and hereby are, impowered to make Sale of the Land mentioned in the within petition, for the most the same will fetch, and to pass and execute a good deed or deeds thereof to the purchaser or purchasers, they observing the directions of the Law relative to Real Estates by Executors and Administrators, and giving Security to the Judge of Probate for the County of Worcester that the money arising by the said Sale, together with the Interest thereon, be paid to the said Children respectively, as they shall come of age. [*Passed January 16.*]

CHAPTER 156.

ORDER LEVYING A TAX OF ONE HALF PENNY PER ACRE FOR TWO YEARS ON ALL THE UNCULTIVATED LAND IN COLRAIN, &c.

Legislative
Records of the
Council, xxv.,
327, 328.

Legislative
Records of the
Council, xxv.,
280. House
Journal, pp. 98,
99, 100, 159, 162.

A PETITION of George Clark and Others Selectmen of Colerain Setting forth That they have many costly Roads to make, a Meeting House to build, and a Minister to settle: That being in their Infant State, they are weak and unable of themselves to support the extraordinary charge of these things And praying for a Tax of one penny half penny $\frac{1}{2}$ acre on all the uncultivated Lands in the said Town for two years towards their Assistance therein,

The Committee on the withinmentioned Petition made report That the Parties had agreed upon a Tax of one half penny $\frac{1}{2}$ acre for two years. And thereupon

Ordered That there be and hereby is a Tax of one half penny $\frac{1}{2}$ acre laid on all the uncultivated Lands in the Town of Colerain for two years: And that the Inhabitants of the said Town be, and hereby are impowered at a legal Town meeting to appoint suitable Persons to assess and collect the same. [*Passed January 17.*]

CHAPTER 157.

ORDER ALLOWING £8 TO DENNIS MURPHY.

Legislative
Records of the
Council, xxv.,
329. Mass.
Archives,
lxvi., 253.

Mass.
Archives,
lxvi., 252.
House Jour-
nal, pp. 153, 161.

A PETITION of Dennis Murphy Setting forth That he was a Sailor on board the Province Snow Prince of Wales, when She was taken by the French, and that he was sent to France, where he continued a Prisoner for fourteen months; and upon his arrival in England, he was impressed, and servd on board one of his Majestys Ships during the War, and did not return home to Boston before the 28th day of November last. And Praying an Allowance.

Read and

Ordered that the Sum of eight pounds be paid out of the publick Treasury to the Petitioner in full for his sufferings mentioned. [*Passed January 17.*]

CHAPTER 158.

ORDER IMPOWERING SAM^l MORSE, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
329. Mass.
Archives,
xxxlii., 318.

Mass.
Archives,
xxxiii., 317.
House Jour-
nal, pp. 157, 162.
Province
Laws, xvi., 241,
chap. 76, note.

A PETITION of Samuel Morse of Natick, Guardian to Martha Pegun an Indian of said Natick Praying leave to sell of the said Martha's Land to the amount of £10.10^d disbursed for cloathing and nursing her when sick, Charges at the Probate Office &c

[*Read and*]

Ordered That the Prayer of this Petition be Granted and that the Petitioner with the Assistance of the Gaurdians of the Natick Indians be & is hereby fully authorized & Impowered to make Sale of So much of his Wards Land where it may be Least Prejudiciall

to her and to Execute a Good Deed or Deeds in Law of the same as Shall be sufficient to pay the Debt of ten pounds & ten pence mentioned in Said Petition & Such Reasonable Costs as he may have been att in the Judgment of the Said Guardians to obtain this Order. [*Passed January 17.*]

CHAPTER 159.

ORDER DIRECTING THE GUARDIANS OF NATICK INDIANS TO PAY SAMUEL MORSE, ADM^R, THE SUM OF £2. 13. 4, &c.

A PETITION of Samuel Morse of Natick, Administrator of the Estate of Thomas Pegun, Indian, late of said Natick deceased Setting forth That Joseph Tobomso an Indian of said Natick was justly indebted to the said Thomas Pegun the Sum of £2.13.4 on account, which Account has been allowed by the Guardians of the Indians; That there is in the said Guardians hands the Sum of £40 belonging to the said Joseph's Estate, and they think it reasonable that the said debt should be paid out of the Sum aforesaid, but apprehend they are not impowered to do it. And praying that this Court would give order concerning it.

[Read and]

Ordered That the Prayer of this Petition be granted; and that the Guardians of the Natick Indians be, and are hereby directed and impowered to pay unto the Petitioner his just debt of Two pounds thirteen shillings and four pence mentioned in his said Petition, together with the reasonable Costs of obtaining this Order; in the judgment of said Guardians, out of the monies in their hands belonging to the Estate of Joseph Tobomso deceased. [*Passed January 17.*]

Legislative
Records of the
Council, xxv.,
329.

House Jour-
nal, p. 162.
Province
Laws, xvi., 241,
chap. 76, note.

CHAPTER 160.

RESOLVE IMPOWERING SIMON HUNT, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Simon Hunt, Admin^r of the Estate of Seth Ross late of Concord in the County of Middlesex deceased Setting forth That the deceaseds Personal Estate is insufficient to pay his debts; that his Real Estate consists of one acre and a quarter of Land with an old decayed building thereon, and about eleven acres of barren land on the outside of the Town, the latter apprized only at £13.6.8. That the deceased left a number of small Children, but left no Widow. And praying That he may be impowered to make sale of the said Real Estate for the benefit of the deceased's Children.

[Read and]

Resolved That the Prayer of the Petition be granted: That the Petitioner Simon Hunt be and hereby is impowered to make sale of the Real Estate withinmentioned for the most the same will fetch, he observing the directions of the Law respecting the Sale of Real Estates, and to execute a good deed or deeds for the same to the Purchaser or Purchasers thereof: Provided he give Bond to the Judge of Probate of the County of Middlesex, that the money

Legislative
Records of the
Council, xxv.,
332.

House Jour-
nal, p. 166.
Province
Laws, ii., 151,
chap. 10.

arising from the Sale be applied to the payment of the just debts of the deceased, and the remainder (if any there be) together with the Interest be applied for the use of the Children of the deceased according to Law. [*Passed January 21.*]

CHAPTER 161.

ORDER IMPOWERING ART^S WARD, ADM^R, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
332.

House Jour-
nal, pp. 165, 166.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Artemas Ward Esqr Admin^r of the Estate of Nathanael Whittemore, late of Shrewsbury deceased. Setting forth That the said Nathanael died siezed of about forty Acres of Land in the said Town of Shrewsbury, which with the Buildings thereon are mortgaged to Sam^l Winthrop Esqr for One hundred and fifty pounds; and as the time of redemption is not yet expired, and he apprehends it will sell for more than the Sum for which they are mortgaged Praying that he may be impowered to make sale of the same

[Read and]

Ordered That the Prayer of this Petition be granted: And that the Petitioner be, and hereby is authorised and impowered to make sale of the forty acres of Land and Buildings thereon mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds in the Law of the same; He giving sufficient caution to the Judge of Probate for the County of Worcester that the money arising by the Sale thereof be applied for the discharge of the Mortgage mentioned also in said Petition, and the Overplus (if any there be) be applied to the payment of the just debts of the said Nathanael Whittemore deceased Intestate. [*Passed January 21.*]

CHAPTER 162.

ORDER ALLOWING £60 AND A FURTHER SUM OF £18.9 TO ROB^T BALL.

Legislative
Records of the
Council, xxv.,
333. Mass.
Archives,
lxvi., 255.

Mass.
Archives,
lxvi., 254.
House Jour-
nal, pp. 171, 172.

A PETITION of Robert Balls, Keeper of the Light House Praying an Allowance for his last year's service which expired the 19th day of Novem^r last being his 31st year; and for a reimbursment of the Sum of £18.9 expended in the purchase 30¾ cord of Fire Wood for the benefit of the Light.

Read and

Ordered that the Sum of Sixty pounds be granted out of the publick Treasury to the Pet^r for his service for one year ending the 19th of November last Also the Sum of eighteen pounds Nine Shillings expended for fire wood. [*Passed January 22.*]

CHAPTER 163.

ORDER SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM THE FIRST PARISH IN PLYMOUTH TO THE THIRD PARISH THEREIN, AND DISMISSING THE PETITION OF THE FIRST PARISH.

A PETITION of Edward Winslow Esq^r and Others, Inhabitants of the first¹ Parish in Plymouth, Praying that they with their Estates may be annexed to the third¹ Parish in said Town for the reasons mentioned.

Legislative
Records of the
Council, xxv.,
108 *bis*, 334.

A Petition of John Cotton Esq^r and Others, Inhabitants of the third¹ Parish in Plymouth, Praying that they with their Estates may be annexed to The First¹ Parish in Plymouth for the reasons mentioned.

Legislative
Records of the
Council, xxv.,
153 *bis*, 163, 171,
224. House
Journal, pp. 89,
170.

The Committee appointed to consider the Petition of John Cotton Esq^r and Others, of the first² Parish in Plymouth, and of Edward Winslow Esq^r and Others of the fourth² Parish in the said Town, made report, whereupon the following Order passed viz^t

Read and Accepted: And

Ordered That Benj^a Smith William Watson, James Curtis, John Churchill, Samuel Doty, George Glover, Ichabod Morton and Elkanah Watson, who are now taxed in the first² parish in Plymouth; they and their Estates, they now hold in their own Rights, be, and hereby are set off from the said first² Parish to the third² Parish in Plymouth, there to [do]³ duty and receive Priviledge. And that the Petition of the first² Parish in Plymouth be dismissed. [*Passed January 22.*]

CHAPTER 164.

RESOLVE IMPOWERING LYDIA NEGUS, ADM^x, TO EXECUTE A DEED.

A PETITION of Jonathan⁴ Negus of Dartmouth Setting forth That he had bargained with, and paid his Brother Jonathan Negus the Sum of £9.15.8 for the one half of a certain Lot of Land in s^d Dartmouth which said Jonathan held by deed from Noah Allen being the 20th part of a twenty acre Lot that said Allen purchased of Elnathan Pope; but that the said Jonathan was suddenly taken away by death without executing a deed of the said Land. And praying that the Administratrix may be impowered to execute a deed of the Premises.

Legislative
Records of the
Council, xxv.,
334.

House Jour-
nal, pp. 169, 170,
171.

Read and

Resolved That Lydia Negus Admin^x on the Estate of Jonathan Negus dec^d be, and hereby is impowered to make and execute a deed to the Petitioner in fee for one half of the Lot of Land withinmentioned, and that the same be as valid and effectual for the Petitioner to hold the same Land by, as if the said Jonathan Negus had in his lifetime made and executed a deed of it himself. [*Passed January 22.*]

¹ *Sic.*

² *Sic.* in both copies of Legislative Records of the Council and the House Journal.

³ Inserted from the State Library copy, Legislative Records of the Council, xxv., 345.

⁴ The House Journal, pp. 169, 170, 171, reads, "*Henry.*"

CHAPTER 165.

RESOLVE IMPOWERING LANCELOT OLIVER AND MARY WALKER, EXECUTORS, TO SELL LANDS.

Legislative
Records of the
Council, xxv.,
334.

House Jour-
nal, p. 172.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Lancelot Oliver and Mary Walker, Executors of the last Will and Testament of William Walker, late of Worcester dec^d Setting forth That the deceaseds personal Estate is insufficient to pay his just debts, there being a deficiency of £46.1.4. That he died siezed of about four hundred Acres of Land at Georges in the Eastern parts of the Province subject to a Quitrent. And praying that they may be impowered to make sale of the said Land in order to discharge the deceased's Debts as aforesaid.

[Read and]

Resolved That the Petitioners in their capacity be and hereby are impowered to make sale of the Lands in said Petition mentioned for the most the same will fetch and to execute a good deed or deeds to the Purchaser or Purchasers of the same, they observing the directions of the Law respecting the Sale of real Estates by Exec^{rs} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Worcester to account for the Proceeds according to Law. [*Passed January 22.*]

CHAPTER 166.

RESOLVE ALLOWING £14. 5 TO NATHAN BROWN.

Legislative
Records of the
Council, xxv.,
369.

House Jour-
nal, pp. 167, 172.
Ante, p. 344,
chap. 274.

A PETITION of Nathan Brown Underkeeper of his Majesty's Goal, and Master of the House of Correction in the county of Essex Setting forth That on the 24th day of Decem^r 1763, one Judith Adams, a Vagabond Person, being found wandering & begging in Beverley was committed to his care by order of Benjamin Jones Esqr & remained in the House of Correction 'till the 24th day of Sept^r following being 37 weeks, during all which time She was sick, and at times delirious. And praying an Allowance for cloathing and supporting her during that time and for his care of her.

Read and

Resolved That the Sum of Fourteen pounds five shillings be allowed and paid the Petitioner out of the public Treasury to defrey the expences of the Support cloathing and nursing Judith Adams a Vagabond as withinmentioned. [*Passed January 22.*]

CHAPTER 167.

ORDER ALLOWING £8 TO ANNA TOWNSEND.

Legislative
Records of the
Council, xxv.,
336. Mass.
Archives,
lxxx., 509.

A PETITION of Anna Townsend of Taunton Widow of George Townsend Setting forth That the said George Townsend being a Soldier in the Pay of the Province under the command of Cap^t Job Winslow was on the 29th day of July 1758 captivated and

carried to Canada, from whence he was sent to France, and afterwards got to England, where he was impressed aboard a Man of War, and continued in his Majesty's Service 'till after the Reduction of the Havannah, when he was discharged, and died of the Small pox on his passage homeward. That he was never made up in any Roll, nor receivd anything for his Sufferings. And praying Relief.

Read and

Ordered that the sum of eight pounds be paid out of the publick Treasury to the Hon^{ble} Sam^l White Esq^r for the Use of the Pet^r in full consideration for the sufferings of the within named George Townsend deceased. [*Passed January 23.*]

Mass.
Archives,
lxxx., 509.
House Journal,
pp. 16, 56,
174.

CHAPTER 168.

ORDER GRANTING A TAX OF £20 PER ANNUM FOR FIVE YEARS ON ALL UNIMPROVED LANDS OF NONRESIDENTS IN THE DISTRICT OF NEW SALEM.

A PETITION of the Inhabitants of New Salem, praying for a Tax on the unimproved Lands of the Non resident Proprietors [Legislative Records of the Council, xxv., 229,] being read again, and no objection having been made thereto: the following Order passed viz^t

Legislative
Records of the
Council, xxv.,
337. Mass.
Archives,
cxviii., 35.

Read and

Ordered That The Prayer of the Petition be So far Granted, That There Be, & hereby is, a Tax of Twenty pounds p annum Laid upon all The unimproved lands of non resident Proprietors within The Said District of new salem, for The Term of five years, To be appropriated to The Sole use of The Present Pastor of the Church There, In Case he Shall Continue There minister (but in Case of his Death or removeall Then to be for The use and Bennift of his Successor in s^d Trust and office) and to be Given in addition to the Present Salary of forty Pounds p an: Dureing The Term aforesaid; The Said Sum of Twenty pounds to be Equally assessed, by The Assessors of Said District on all the aforesaid, Lands and Collected by The Constables or Collectors That Shall Be Chosen for The Said District or by any Other Person They Shall appoint for That Purpose. [*Passed January 24.*]

Mass.
Archives,
cxviii., 34.
Legislative
Records of the
Council, xxv.,
229. House
Journal, pp. 41,
167.

CHAPTER 169.

RESOLVE IN REGARD TO CHOOSING AN AGENT FOR GREAT BRITAIN

WHEREAS Jasper Manduit Esq^r by Letters lately received from him, has repeatedly requested that the General Court would excuse him from acting any longer as agent for the Province on account of his ill State of health; & WHEREAS the Affairs of the Province require that some person Should be appointed in his Stead, as soon as may be

Resolved that whoever may be chosen Agent for this Province. his power of Agency shall not exceed the term of three Years from the day of his choice, at the expiration of which term, his power of

Legislative
Records of the
Council, xxv.,
337. Mass.
Archives,
xxii., 428, 429.

Legislative
Records of the
Council, xxv.,
207, 262, 279,
310 *bis*, 338.
House Jour.
nal, pp. 174, 175.

Infra, chap.
172.

Agency shall without any further Act of the General Court cease and be utterly void. Provided always that such Agent shall within that term be removable at the pleasure of the Gen^l Court, and the power of so removing him is hereby reserved. and all powers of Agency to any person to be chosen by this Court shall be drawn made and executed accordingly. [*Passed January 24.*]

CHAPTER 170.

RESOLVE ALLOWING £2. 17. 10 $\frac{1}{4}$ EACH TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
339. Mass.
Archives,
lxxx., 545.

Mass.
Archives,
lxxx., 545.
House Jour-
nal, p. 169.

A PETITION of Moses Kimball and Others Setting forth That in the Year 1762 they inlisted in his Majestys Service and passed muster under Col^o Osgood, but did not receive the Bounty: That they were afterwards mustered under Col^o Gerrish, but did not draw pay from the time of their being first mustered 'till they were last mustered under Col^o Gerrish And praying Relief.

[Read and]

Resolved that the Sum of two pounds seventeen Shillings and ten pence farthing be granted out of the publick Treasury to each one of the persons hereafter named Viz Moses Kimball Noah Kimball David George John Haseltine Levi Harvey Benjamin Webster Noah Emery Samuel Wilson and John White.

The above Sums to be paid to Richard Saltonstall Esq^r for the Use of the above named Persons. [*Passed January 24.*]

CHAPTER 171.

ORDER ALLOWING £2. 17. 10 $\frac{1}{4}$ EACH TO DIVERS PERSONS.

Legislative
Records of the
Council, xxv.,
339. Mass.
Archives,
lxxx., 494.

House Jour-
nal, pp. 154, 155,
163, 170.

A PETITION of Moses Clements, Samuel Clements, and Samuel Gale Praying an Allowance of Wages for their Servants James Ricks, Henry Maxwell and Moses Dusten from the 23^d of March, when they passed Muster before Col^o Osgood to the 7th of May, when they were assigned to Cap^t Brown's company, for which time they have received no pay.

Read and

Ordered that the Sum of two pounds seventeen Shillings and ten pence farthing be granted out of the publick Treasury to each one of the persons hereafter named Viz to Moses Clements Samuel Clements and Sam^l Gale. The above Sums to be paid to Richard Saltonstall Esq^r for the Use of the abovenamed Persons. [*Passed January 24.*]

CHAPTER 172.

VOTE CHOOSING RICHARD JACKSON, JUN^r, ESQ^r, AGENT FOR GREAT BRITAIN.

THE TWO HOUSES, pursuant to Agreement, proceeded to the Choice of an Agent for y^e Province, in Great Britain, by joint Ballot: upon sorting and counting the Votes it appeared that Richard Jackson Jun^r Esq^r was chosen by a Majority of the Votes. [*Passed January 24.*]

Legislative
Records of the
Council, xxv.,
339. Mass.
Archives,
xxii., 427.
Legislative
Records of the
Council, xxv.,
338. House
Journal, p. 178.
Ante, p. 585,
chap. 169.

CHAPTER 173.

VOTE DIRECTING M^r MAUDUIT TO DELIVER PAPERS TO AGENT RICHARD JACKSON, JR.

WHEREAS Richard Jackson j^r Esq^r was yesterday by a vote of this court chosen and appointed Agent for this Province in England in the room & stead of Jasper Mauduit Esq^r who has resigned that trust

Voted that the said Jasper Mauduit Esq^r be desired in case of M^r Jackson's consenting to take the said trust upon him, to deliver to him the letters instructions & other papers relative to any affairs still depending and unfinished in England and that M^r Jackson be desired to receive all such papers & to consider all such instructions as instructions to himself especially so far as they relate to any duties taxes or other impositions laid or proposed to be laid by the parliament upon the colonies. And the Secretary is directed to transmit copies of this vote by the first opportunity to M^r Mauduit and to M^r Jackson, and also to send to M^r Jackson an authenticated copy of the vote of the court appointing him to the agency, and to inform him that as the general court is now sitting it is their intention to send him further instructions by some other opportunity. [*Passed January 25.*]

Legislative
Records of the
Council, xxv.,
340. Mass.
Archives,
xxii., 432.
Legislative
Records of the
Council, xxv.,
340. House
Journal, p. 181.
Supra, chap.
172.

CHAPTER 174.

RESOLVE GRANTING TO JAMES STONE LICENCE TO KEEP AN INN.

A PETITION of James Stone Setting forth That M^{rs} Sarah Cutler who hath long kept a public House of entertainment in Western, and the only one in the said Town upon the Great road leading from Boston to Springfield; and that the Petitioner is about removing into the said House: that the Court of General Sessions of the Peace for the County of Worcester stands adjourned to the second Tuesday in May. And Praying That two Justices of the Peace Quorum Unus, may be empowered to grant him a license to keep a public House in the mean time.

Read and

Resolved that the prayer of this Petition be Granted and that any Two of His Majesty's Justices for the County of Worcester (Quorum unus) are hereby Impower'd to Grant the Petitioner

Legislative
Records of the
Council, xxv.,
341. Mass.
Archives, cxi.,
539.
House Journal,
p. 183.
Province
Laws, iv., 548,
note. *Ante*,
p. 284, chap.
134.

Licence to Keep a publick House according to the Tenor of His Petition he first obtaining the approbation of the Select men of the Town of Western and Recognising as other Licenced persons. [*Passed January 25.*]

CHAPTER 175.

RESOLVE ANNEXING A TRACT OF LAND KNOWN AS “STOW LEG” AND INHABITANTS THEREON TO THE DISTRICT OF SHIRLEY.

Legislative
Records of the
Council, xxv.,
342.

House Jour-
nal, pp. 51, 176.

THE FOLLOWING ORDER passed on the Petitions of the Selectmen of Shirley and of sundry Inhabitants of the said place viz^t

Resolved That the Tract of Land known by the name of Stow Leg, and the Inhabitants thereon be set off to the District of Shirley, there to do duty and enjoy Priviledge: said Inhabitants to pay all Arrearages that may be due from any Assessments heretofore made by the Town of Stow. Provided also that the Meeting-house which shall next be built in the District of Shirley shall not be set to the Southward of the Road that leads by Jonas Longley's and Samuel Nichols to Philemon Holdens without a Vote of at least two thirds of the qualified Voters for the placing the same to the Southward of said Road, or by leave of the General Court. [*Passed January 25.*]

CHAPTER 176.

ORDER GRANTING TO HUGH FLOYD LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxv.,
342. Mass.
Archives, cxi.,
537.

Mass.
Archives, cxi.,
536. House
Journal, p. 183.
Province
Laws, iv., 549,
note.

A PETITION of Hugh Floyd of Medford Setting forth That he hath for many years past kept a House of entertainment at Medford; but being from home at the time for granting licenses, his License is not renewed, although he hath been approbated by the Selectmen according to Law: And praying that the Justices of the Court of Sessions for the County of Middlesex may be impowered at their next term to grant him a license for the purpose aforesaid.

Read and

Ordered that the Justices of the Gen^l Sessions of the peace for the county of Middlesex be and they hereby are impowered to grant the Pet^r a Licence to keep a House of publick entertainm^t (if they see cause) at their next Session, the remaining part of the Year the time for granting Licences being elapsed notwithstanding. [*Passed January 25.*]

CHAPTER 177.

ORDER IMPOWERING ABIGAIL STEVENS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
342.

A PETITION of Abigail Stevens, Guardian to Andrew Newell a Min^r Setting forth that the said Minor is intituled to one quarter part of a wooden Dwelling House and Land in Charlstown, which

is old and decaying, and of but little profit to those interested therein; that the other Owners have agreed to sell their parts, and as it would be of great advantage to have the whole sold intire; Praying that She may be impowered to sell the said Minors part in said House and Land, She to be accountable.

[Read and]

Ordered That the Prayer of this Petition be granted, and that the Petitioner be, and is hereby fully authorised and impowered to make sale of the Minors part of the Dwelling House and Land thereinmentioned, and to execute a good deed or deeds in the Law of the same, observing the directions of the Law for the sale of real Estates by Executors and Admin^{rs} and giving sufficient caution to the Judge of Probates for the County of Middlesex, that the money arising by the Sale thereof be applied for the sole use and benefit of the said Minor. [*Passed January 25.*]

House Jour-
nal, p. 179.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 178.

ORDER IMPOWERING OBADIAH LINCOLN, GUARDIAN, TO SELL MINOR'S INTERESTS IN LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Obadiah Lincoln of Hingham, Guardian of Thomas Lincoln, Lydia Lincoln and Mary Lincoln Minors, Setting forth That their Grandfather Samuel Holbrook late of Scituate deceased in his last Will among other Legacies gave to the Children of his daughter Mary Lincoln deceased one third part of twenty Acres of Pasture Land, being one half of a 40 Acre Lot which he owned with his Son Samuel; that the said Samuel hath sold his part, and the others interested having now an opportunity, have agreed for the Sale of their Shares also: that the said Mary Lincoln leaving seven children the Share of each Child doth not amount to one acre. And Praying that he may be impowered to make Sale of the Minors Shares in the said Land.

[Read and]

Ordered That the Prayer of this Petition be granted: And that the Petitioner be, and is hereby fully authorised and impowered to make Sale of the Minor's Interest in the Lands mentioned in said Petition, and to make and execute a good deed or deeds in the Law of the same; observing the directions of the Law for the sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of Probate for the County of Plymouth that the money arising by the Sale thereof be put out to interest for the benefit of the said Minors, the interest to be paid to them yearly, and the Principal as they shall come of age, each one his proportionable part. [*Passed January 25.*]

Legislative
Records of the
Council, xxv.,
343.

House Jour-
nal, p. 178.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 179.

RESOLVE IMPOWERING JA^s SHURTLEFF, ADM^r, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxv.,
344.

House Jour-
nal, pp. 145, 178.

A PETITION of James Shurtleff, Administrator of the Estate of Abiel Shurtleff late of Plympton dec^d and principal Heir of said Abiel Setting forth That the said Abiel had by his deed dated Febr^y 15. 1713/14 for a valuable consideration sold to one Charles Little of Kingston one eighth part of the 7th Lot of Cedar Swamp in Southmeadow Cedar Swamp in said Plympton being the second Lot in said seventh Lot, thro' a mistake, instead of the eighth part of the seventh Lot of Cedar Swamp in South meadow Cedar Swamp in said Plympton, being the first Lot in said seventh Lot. And praying that he may be enabled to rectify the said mistake by giving a deed to the Heirs of the said Charles Little of the said first of the seventh Lot aforesaid according to the intent and design of the said Abiel Shurtleff.

[Read and]

Resolved That the Petitioner James Shurtleff in his capacity of Administrator be, and hereby is empowered to make and execute a deed of the said intestate's right in the first Lot in the seventh Lot in Southmeadow Cedar Swamp in Plympton to the said Bethiah Tyler; the said Thomas Tyler and Bethiah Tyler executing to the said Abiel a release of all demands from the said Deed executed by the said Intestate in his Lifetime to the said Charles dated the fifteenth day of February AD. 1713. [*Passed January 25.*]

CHAPTER 180.

ORDER IMPOWERING ISAAC RAND, ESQR., TO SELL MINORS' INTEREST IN REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
345.

House Jour-
nal, p. 182.
Province
Laws, li., 151,
chap. 10.

A PETITION of Isaac Rand and Jane his Wife, Rebecca Fowle and Elisabeth Flucker Setting forth That Robert Luist late of Charlstown by his last Will bequeathed one quarter part of his Mansion House and Land adjoining, situate in Charlstown to Jane Rand, one quarter part to Rebecca Fowle, one quarter part to Elisabeth Flucker, and the other quarter part to three of the Children of the fore mentioned Rebecca Fowle, two of which Children are Minors. And in as much as said House and Land cannot be divided Praying that the same may be sold, and the proceeds of such Sale applied according to the intent & meaning of the Testator.

[Read and]

Ordered That the Prayer of this Petition be granted: And that Isaac Rand Esqr be, and hereby is fully authorised and empowered to make sale of the said Minors Interest in the House and Land mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds in the Law for the same, observing the directions of the Law for the Sale of Real Estates by Exec^{ts} & Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Middlesex, that the money arising by the Sale be put out to interest for the benefit of said Minors, and paid to them as they shall come of Age. [*Passed January 26.*]

CHAPTER 181.

ORDER IMPOWERING JOHN & GARDINER CHANDLER, EXECUTORS, TO EXECUTE A DEED.

A PETITION of John Chandler and Gardiner Chandler Esq^{rs} Exec^{rs} of the last Will and Testament of John Chandler late of Worcester Esqr deceased Setting forth That by an Order of the General Court of the 29 of March 1760, the said John Chandler as Admin^r of the Estate of Daniel Campbell late of Rutland deceased was impowered to sell a House and Barn with sixty Acres of Land, whereof the said Daniel campbell died siezed, in order to pay his just debts, the said John Chandler giving caution to the Secretary of the Province to account for the money arising by such Sale, so that after the just debts and charges are paid, the Surplusage shall be and remain for the use of the Heirs of the Deceased or their Order with intervening Interest. That in consequence of said Order the Petitioners Testator gave bond to the Secretary, posted up said Land and sold the same for Fifty pounds to one James Black; but the deed was not executed. And praying That they may be impowered to execute a deed of the Premises to the said Purchaser.

Read and

Ordered That the prayer of the Petition be granted: and that the Petitioners as Executors of the last Will and Testament of their Father John Chandler late of Worcester Esq^r deceased, be, and they hereby are impowered to give a deed of the Estate withinmentioned; it appearing that their Testator had given Bond to the Secretary as directed by the Order of Court referred to in the said Petition. [*Passed January 28.*]

Legislative
Records of the
Council, xxv.,
347.

House Jour-
nal, p. 188.
Province
Laws, xvi., 521,
chap. 396.

CHAPTER 182.

ORDER IMPOWERING SAMUEL DEXTER TO LAY OUT 300 ACRES OF LAND.

A PETITION of Samuel Dexter of Pequog Setting forth That in the year 1740 he purchased a right drawn by Nehemiah Right and finding it unfit for a Settlement, he purchased a part of another Right near the Garrison, and performed the duty required by the Government, upon the Lot last mentioned supposing that he answered the conditions of Settlement as fully as if he had settled the former; but the same was sold by a Committee of the General Court for Non performance of the Conditions of Settlement. And Praying Relief.

Read and

Ordered that the Pet^r be allowed to lay out three hundred Acres of the unappropriated Lands in the Counties of Hampshire or Berkshire by a surveyor and chain men under oath; and that He return a plan thereof to this Court within twelve months for confirmation. [*Passed January 28.*]

Legislative
Records of the
Council, xxv.,
347. Mass.
Archives,
lxxx., 322.

Mass.
Archives,
lxxx., 320.
House Jour-
nal, pp. 183, 185.
Province
Laws, xli., 677,
chap. 16; xvi.,
108, chap. 240.

CHAPTER 183.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £1. 10 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxv.,
349. Mass.
Archives, cxx.,
476.

House Jour-
nal, pp. 48, 49,
190. *Ante*,
p. 532, chap. 49.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware in the County of Middlesex for the year current, reported that they had sold the same to M^r John Haskins for £282 and had taken Bond with Sureties for the payment of the same, which they had delivered to the Province Treasurer.

Read and Accepted

Ordered that the sum of one pound ten Shillings be paid out of the publick Treasury to the Comm^{ee} for their Service in the affair.
[*Passed January 29.*]

CHAPTER 184.

RESOLVE IMPOWERING DANIEL MCFARLAND AND MARGARET FORBUSH, ADM^{rs}, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
349.

House Jour-
nal, p. 189.

A PETITION of Daniel M^cFarland and Margaret Forbush, Administrators of the Estate of James Forbush jun^r late of Worcester dec^d Intestate Setting forth That the said deceaseds Real Estate lying in Worcester was apprizd at the Sum of Three hundred pounds; but that the same was mortgaged to his Father James Forbush for the payment of £133.6.8 in manner agreeable to the said Fathers Will at the rate of £9.6.8 per year from the death of the said Father until the whole should be paid; which Sums remain due, and cannot be discharged without selling a part of the said Estate, which cannot be done without spoiling the Remainder, the whole being only sufficient for a small Living: And praying that they may be impowered to sell the whole of the said Estate; the said Margaret to receive one third part of the Interest of what it may produce, the other two thirds to be applied to the discharging of the Mortgage, and the Overplus to be divided among the legal Heirs of the said deceased.

[Read and]

Resolved That the Prayer of the Petition be granted; and that the Petitioner Daniel M^cFarland and Margaret Forbush be and hereby are fully impowered to sell the Real Estate withinmentioned for the most the same will fetch, and to make a good deed or deeds in law for the same, they observing the Law relative to the Sale of Real Estates by Executors and Admin^{rs}, and giving sufficient Security to the Judge of Probate for the County of Worcester that the money arising by the Sale shall be applied to the purposes mentioned in the Petition viz^t That one third of it be put out upon Interest, and the Interest paid to the said Margaret Forbush towards her Support in lieu of her Dower: That so much of the remaining two thirds as shall be necessary be applied to discharge the just debts of the deceased, and the Overplus, if any there be, be divided according to Law among the legal Heirs of the deceased;

and that the first mentioned Thirds upon the death of y^e Margaret aforesaid shall also be divided among the legal Heirs of the deceased aforesaid. [*Passed January 29.*]

CHAPTER 185.

ORDER IMPOWERING BENJ^A MIXER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benj^a Mixer, Guardian of Joseph Josselyn a Minor Setting forth That the said Minor's Father Joseph Josslyn dying, left him a small Real Estate in Westborough in the County of Worcester valued at about £80 or £90. That the said Minor has been sick and lame for about two years past which has occasioned a Charge of about £60 that he still remains sick, and the Petitioner hath no other way of discharging the debt already incurred, and of providing further for the said Minor in his Sickness, but by the Sale of the said Real Estate: And praying that he may be enabled to sell the same accordingly.

[Read and]

Ordered That the Prayer of this Petition be granted, and that Benjamin Mixer the Petitioner be, and hereby is fully authorised and empowered to make sale of the Real Estate mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds thereof in Law, He observing the Rules and Directions in the Law for the Sale of Real Estates by Exec^{rs} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Worcester, that the money arising by the Sale thereof, be applied to the purposes mentioned in said Petition. [*Passed January 30.*]

Legislative
Records of the
Council, xxv.,
352.

House Jour-
nal, p. 182.
Province
Laws, II., 151,
chap. 10.

CHAPTER 186.

RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

In the House of Representatives

Resolved, That no Person who shall be chosen by this Court into the office of Treasurer and Receiver-General for this Province for the present year, shall be esteemed duly qualified to enter upon the Execution of that office, until he shall first have an Oath administered to him for his faithful Performance of his said Office; and shall give Bond with sufficient Sureties, to the Acceptance of a Committee appointed by this Court for that Purpose, in the Sum of Thirty Thousand Pounds Lawful Money, to the three eldest Councillors in the Province for the Time being, who are hereby appointed a Committee in behalf of the Province, and especially authorized for that Purpose; which Bond shall be conditioned for such Treasurer's truly and faithfully discharging the Duty of his Office according to Law, and for his rendering an Account when and so often as he shall be required by the General Court of all such Sums of money as he shall from Time to Time receive into

Legislative
Records of the
Council, xxv.,
353. Mass.
Archives, civ.,
295.

House Jour-
nal, pp. 197, 198.
Infra, chap.
188.

the Treasury, and for his well and truly paying to his Successor in said office, or to any other Person that may be appointed by the General Court to receive the same, all such Sum or Sums of money as upon such Settlements of his said Accounts, or otherwise shall be found due and payable from him to this Province; provided that the said Bond be put in Suit with in two Years next after the Date hereof; otherwise to be void and of none Effect: And that M^r Otis and M^r Cushing of Boston with such as the honorable Board shall join, be a Committee to judge of the Sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council Read and Concurred & Jn^o Erving Esq^r is joined in the Affair. [*Passed January 31.*]

CHAPTER 187.

ORDER ALLOWING £4. 10 TO CAPT. JA^s ANDREWS.

Legislative
Records of the
Council, xxv.,
354. Mass.
Archives,
lxxx., 544.

Mass.
Archives,
lxxx., 543.
House Jour-
nal, pp. 163, 196,
197.

A PETITION of James Andrews of Taunton, a Captain in the Pay of the Province in the Year 1758 Praying an allowance for the billeting 60 Men over and above his own Company from Taunton to Worcester, who were committed to his care, and for which he has been sued by the Taverners who supplied them.

Read and

Ordered that the Sum of four pounds ten Shillings be paid out of the publick Treasury to the Pet^r in full consideration for billeting sixty two men in their march from Taunton to Worcester in the year 1758. [*Passed January 31.*]

CHAPTER 188.

VOTE CHOOSING HARRISON GRAY, ESQ., TREASURER.

Legislative
Records of the
Council, xxv.,
354. Mass.
Archives, civ.,
294.

House Jour-
nal, p. 198.

PURSUANT TO THE AGREEMENT of the two Houses, they proceeded to the Choice of Civil officers for the present year, and first of a Treasurer and Receiver General for the Province, when Harrison Gray Esq^r was chosen by a Major Vote of the Council and House of Representatives. [*Passed January 31.*]

CHAPTER 189.

VOTE CHOOSING THOMAS HUBBARD, ESQ^r, OFFICER FOR PURCHASING PROVISIONS FOR FORTS AND GARRISONS.

Legislative
Records of the
Council, xxv.,
354. Mass.
Archives,
lxxx., 543.

House Jour-
nal, p. 198.

PURSUANT TO AGREEMENT of the two Houses, they proceeded to the Choice of Civil Officers for the present Year, when Thomas Hubbard Esq^r was chosen the Officer for purchasing Provisions &c for the several Forts and Garrisons by a Major part of the Votes of the Council and House of Representatives. [*Passed January 31.*]

CHAPTER 190.

VOTE CHOOSING JAMES RUSSELL, ESQ., AS IMPOST OFFICER.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present Year, when James Russell Esq^r was chosen Commissioner of Impost by a Major part of the Votes of the Council and House of Representatives. [*Passed January 31.*]

Legislative
Records of the
Council, xxv.,
355. Mass.
Archives,
lxvi., 257.
House Jour-
nal, p. 199.

CHAPTER 191.

VOTES CHOOSING COLLECTORS OF EXCISE FOR ALL COUNTIES.

ACCORDING TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year, when the undermentioned Persons were chosen Collectors of Excise on spirituous Liquors &c for the several Counties as hereafter mentioned by a major Vote of the Council and House of Representatives viz^t

Legislative
Records of the
Council, xxv.,
355.
House Jour-
nal, pp. 199, 200.

Suffolk	Mr Tho ^s Fletcher
Essex	Daniel Epes Esq ^r
Middlesex	Mr Jn ^o Remington
Hampshire	Mr Lewis Bliss
Worcester	Mr Levi Willard
Plymouth	Cap ⁿ Nath ^l Little
Barnstable	Tho ^s Smith Esq ^r
Bristol	Mr Tho ^s Gilbert jun ^r
York	Mr David Sewall
Dukes County	Mr James Allen jun ^r
Nantucket	Obed Hussey Esq ^r
Cumberland	Mr Theoph ^{is} Bradbury
Lincoln	Mr Tho ^s Moulton
Berkshire	Mr Elisha Jones jun ^r

[*Passed January 31.*]

CHAPTER 192.

VOTES CHOOSING PUBLIC NOTARIES.

THE TWO HOUSES according to Agreement, proceeded to the Choice of Civil Officers for the present Year, when the undermentioned Persons were chosen Public Notaries, by a Major Vote of y^e Council and House of Representatives

Legislative
Records of the
Council, xxv.,
355. Mass.
Archives,
xliv., 535.
House Jour-
nal, pp. 200, 201.

Suffolk	
For the Port of Boston	{ Ezekiel Goldthwait Esq ^r
	{ Mr Henry Alline jun ^r
	{ John Nutting Esq ^r
Essex { Salem	Mr Samuel Sawyer
	John Chipman Esq ^r
	William Atkins Esq ^r
	Daniel Witham Esq ^r
	Edward Winslow Esq ^r
Plym ^o . { Barnst	Solomon Otis Esq ^r
	Thomas Smith Esq ^r
	Thomas Gilbert Esq ^r
Barnst { Falmouth	Elisha Tobey Esq ^r
Bristol	Stephen Longfellow Esq ^r
Cumberl Falmouth	

¹ Legislative Records of the Council, xxv., 355, reads, "Newbury Port."

Lincoln	Mr Thomas Moulton
Dukes County, Edgartown	John Norton Esq ^r
Nantucket	Obed Hussey Esq ^r
York { York	Daniel Moulton Esq ^r
{ Kittery	Charles Chauncey Esq ^r
{ Wells	Mr John Wheelwright

[*Passed January 31.*

CHAPTER 193.

VOTE CHOOSING TRUCKMASTERS.

Legislative
Records of the
Council, xxv.,
356.

House Jour-
nal, p. 200.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present Year, when Thomas Goldthwait Esq^r was chosen Truckmaster for Fort Pownall and William Lithgow Esq^r for Fort Halifax by a major Vote of the Council and House of Representatives. [*Passed January 31.*

CHAPTER 194.

RESOLVE CONFIRMING THE PROCEEDINGS AT THE TOWN MEETINGS OF RUTLAND.

Legislative
Records of the
Council, xxv.,
372.

House Jour-
nal, p. 197.

A PETITION of the Selectmen of Rutland Setting forth That ever since the incorporation of the said Town in 1728, they have been in the practice of warning their annual Town Meetings in March by notifications from the Selectmen posted up, without being directed to a Constable, or being sealed, the legality of which Meetings have of late been called in question, and should they be set aside would ruin the said Town. Therefore Praying That the said meetings may be established and the proceedings therein declared valid, the method observed in warning the said Meetings notwithstanding.

[Read and]

Resolved that the Proceedings and Transactions at the Town of Rutland at their annual Meetings ever since their Incorporation be, and hereby are confirmed to all intents and purposes, any defect in point of form, or any omission in directing the Warrants to the Constables of said Town notwithstanding. [*Passed January 31.*

CHAPTER 195.

ORDER IMPOWERING JON^A GIBBS, ADM^R, TO SELL TWO-THIRDS OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
357.

House Jour-
nal, p. 161.

A PETITION of Jonathan Gibbs of Framingham, Admin^r of the Estate of Beza^l Wright, late of said Framingham deceas'd Intestate Setting forth That the deceased died leaving a Widow and two young Children; that one third part of his real Estate has been sett off to the Widow as her Dower; that the personal Estate being insufficient to pay his debts, and support the deceaseds aged Mother which he was obliged to do, a part of the Real Estate has been

already sold for those purposes by order of the Superior Court, but as it is necessary that more of it should be sold for the said purposes, and as it would be most for the advantage of the Children that all the remainder of the said two thirds should be sold Praying that he may be impowered to make sale of the same accordingly.

[Read and]

Ordered That this Petition be granted: And that the Petitioner be and hereby is fully authorised and impowered to make sale of the two thirds of the Real Estate mentioned in said Petition, and therein prayed to be sold and to execute a good deed or deeds in the Law of the same, he observing the directions of the Law for the sale of Real Estates by Exec's and Admin's and giving sufficient caution to the Judge of probate for the County of Middlesex that the monies arising by the Sale thereof be applied to the purposes mentioned in said Petition, and that the Overplus, if any there be, be distributed to and among the Heirs and legal Representatives of the said Bezaleel Wright deceased, according to Law. [*Passed February 1.*]

CHAPTER 196.

ORDER ALLOWING 20/ TO WM KENDAL.

A PETITION of William Kendall of Lunenburgh, a Soldier in the Pay of the Province in 1760 Praying an Allowance of the charge he was at upon his return from the Camp, being so lame that he could not travel on foot, and of the charge he paid a Doctor.

Read and

Ordered that the Sum of twenty Shillings be paid out of the publick Treasury to M^r David Wilder for the use of the Petitioner in full. [*Passed February 1.*]

Legislative
Records of the
Council, xxv.,
357. Mass.
Archives,
lxxx., 514.

Mass.
Archives,
lxxx., 511.
House Jour-
nal, p. 202.

CHAPTER 197.

ORDER ALLOWING £3 TO JOHN SPEAR.

A PETITION of John Spear Praying an Allowance for the expence of his Son John Spear's Sickness, who was a Soldier in the pay of the Province in 1762, and for some Arrears of Wages due to him.

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to M^r Daniel Richards for the Use of the Petitioner in full. [*Passed February 1.*]

Legislative
Records of the
Council, xxv.,
357. Mass.
Archives,
lxxx., 546.

Mass.
Archives,
lxxx., 546.
House Jour-
nal, p. 202.

CHAPTER 198.

ORDER ALLOWING £23 TO CAPⁿ EDW^d SHEAFFE.

A PETITION of Capⁿ Edward Sheaffe of Charlstown Setting forth That having had the Command of an independent company raised at Charlstown agreeable to a Law of this Province ever since June 1756, which company is ordered to do duty at Castle William;

Legislative
Records of the
Council, xxv.,
358. Mass.
Archives,
lxxx., 542.

Mass.
Archives,
lxxx., 542.
House Jour-
nal, p. 202.
Province
Laws, iii., 982,
chap. 5.

He hath been at the charge of hiring Boats for transporting the said Company to the Castle during said term, as there was occasion, And praying an Allowance for what he has actually disbursed on that Account.

Read and

Ordered that the Sum of twenty three pounds be paid out of the publick Treasury to the Petitioner in full consideration for his charges and services within mentioned. [*Passed February 1.*]

CHAPTER 199.

ORDER ALLOWING £18. 13. 4 FOR GUNS DESTROYED BY FIRE.

Legislative
Records of the
Council, xxv.,
358. Mass.
Archives,
lxxx., 552.

Mass.
Archives,
lxxx., 550.
Legislative
Records of the
Council, xxv.,
115. House
Journal, pp. 67,
144, 145, 161
(1763-4);
pp. 196, 202.
Province
Laws, iv., 53,
chap. 18.

A PETITION of Tho^s Pierce Setting forth That as Captain of a foot Company of Militia in Wilmington, he pursuant to a Law of this Province drew out a number of Arms belonging to the Men under his command in order to be fitted with Bayonets; and while some of them were at the Workman's for that purpose, his Shop took fire in the night and was consumed whereby fourteen of the said Arms were destroyed: And as they were taken from the Men by virtue of a Law of the Province, he petitioned last Winter for relief, and the Court was pleased to grant them £18.13.4, but it so hapned that the papers were burnt with the college before he could receive any benefit from the Order of Court. And praying that the said Order may be renewed.

Read and

Ordered that the Sum of eighteen pounds thirteen Shillings and four pence be paid out of the publick Treasury agreeable to a Vote pass'd the two houses the last year in full satisfaction to the Sufferers within mentioned.

The aforesaid Sum to be paid unto the said Thomas Pierce for the Use of the Sufferers. [*Passed February 1.*]

CHAPTER 200.

ORDER ALLOWING £15 TO JOHN HERBERT.

Legislative
Records of the
Council, xxv.,
359. Mass.
Archives,
lxxx., 515.

Mass.
Archives,
lxxx., 515.
House Jour-
nal, p. 202.

A PETITION of John Herbert Setting forth That he served during the two last Wars in defence of his Country against the Enemy in the most dangerous and fatiguing enterprizes, and by his great Exertions brought himself into a bad State of health. That in the year 1762 He was taken ill at Crown Point, and by remaining to assist the Invalids increased his disorders so, that he was taken sick upon his return home, and continued in the use of Medicine to the 1st of April last, and even to this day, whereby he hath incurred the expence of £25.19.2 for Doctors. And praying an Allowance.

Read and

Ordered that the sum of fifteen pounds be paid out of the publick Treasury to m^r David Wilder for the Use of the Pet^r in full for Services and sufferings within mentioned. [*Passed February 2.*]

CHAPTER 201.

ORDER ADJOURNING THE COURTS OF YORK COUNTY.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by Law were to be held at York for the County of York on the first Tuesday of January last past, now stand adjourned by the Justices of said Courts to the twenty sixth day of February Instant; and diverse of the Justices of said Courts and other persons who are concerned in business there, are Members of this Court: and the important Affairs of the Province now depending require their Attendance.

Wherefore

Ordered That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by Law were to be held at York in January last, and now stand adjourned as aforesaid, be, and hereby are further adjourned to the first Tuesday in April next, to be held at the Court House in the said Town of York; and all pleas, Writs, Actions, Suits, complaints processes, precepts, Recognizances and other thing and things whatsoever returnable and having day or days in the said Courts, shall stand, abide and continue unto the said adjournment, and be held, deemed and adjudged to be as good effectual and available in law, to all intents and purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
360.

House Jour-
nal, pp. 209, 210.
Province
Laws, iv., 789,
note.

CHAPTER 202.

RESOLVE ALLOWING £800 TO THE JUSTICES.

Resolved That the Sum of Eight hundred Pounds be granted and paid out of the Public Treasury to the hon^{ble} Justices of the Superior Court of Judicature Court of Assize and General Goal Delivery, for their Service for one year ending the first day of January last. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
361.

House Jour-
nal, p. 203.

CHAPTER 203.

RESOLVE ALLOWING £40 TO THE CHIEF JUSTICE.

Resolved, That the Sum of Forty Pounds be granted and paid out of the publick Treasury, to the honorable Thomas Hutchinson Esq^r in Consideration of his faithful Discharge of the important Trust reposed in him as Chief Justice, and for his further Encouragement therein. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
361. Mass.
Archives,
xlv., 536.

House Jour-
nal, p. 205.

CHAPTER 204.

RESOLVE ALLOWING £250 TO PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
361. Mass.
Archives, l.,
lviii., 532.

House Jour-
nal, p. 203.

Resolved, That the Sum of Two Hundred & fifty Pounds, be granted and allowed to be paid out of the publick Treasury, to the Reverend M^r Edward Holyoke, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for one Year, ending the tenth Day of September next, to be paid Quarterly. [*Passed February 4.*]

CHAPTER 205.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxv.,
362. Mass.
Archives, l.,
211.

House Jour-
nal, p. 203.

Resolved, That the Sum of Fifty Pounds be granted and allowed to be paid out of the publick Treasury to the honorable Andrew Oliver Esq^r Secretary of this Province; for his Services for one year, ending the sixth Day of December last. [*Passed February 4.*]

CHAPTER 206.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Legislative
Records of the
Council, xxv.,
361.

House Jour-
nal, p. 203.
Supra, chap.
205.

Resolved That the Sum of Ninety Pounds be granted and allowed to be paid out of the Public Treasury to the hon^{ble} Andrew Oliver Esq^r Secretary of this Province in consideration of his extraordinary Services to the sixth day of December last. [*Passed February 4.*]

CHAPTER 207.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Legislative
Records of the
Council, xxv.,
362. Mass.
Archives, l.,
210.

House Jour-
nal, p. 203.

Resolved, That there be granted and allowed to be paid out of the publick Treasury to the honorable Thomas Hubbard, Esq^r Commissary-General, the Sum of One Hundred and fifty Pounds, for one Year's Service, ending the eleventh Day of January last. [*Passed February 4.*]

CHAPTER 208.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Legislative
Records of the
Council, xxv.,
362. Mass.
Archives, l.,
297.

House Jour-
nal, p. 204.

Resolved, That the Sum of Two Hundred and sixty seven Pounds, be granted and allowed to be paid out of the publick Treasury, to the honorable Harrison Gray, Esq^r Treasurer and Receiver-General of his Majesty's Revenues of this Province, for a year's Service, ending the twenty third Day of December last. [*Passed February 4.*]

CHAPTER 209.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Resolved That there be granted and allowed to be paid out of the Public Treasury the Sum of four shill^{es} & p^{er} diem to the hon^{ble} Samuel White Esq^r Speaker of the House for every day of his Attendance in the General Court from the opening of the Session on the thirtieth day of May 1764, over and above his Pay as Member of this House. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
362.

House Jour-
nal, p. 204.

CHAPTER 210.

RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Resolved That there be granted and allowed to be paid out of the Public Treasury the Sum of Ninety Pounds to Roland Cotton Esq^r Clerk of the House of Representatives for his Service during the several Sessions for the current year. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
362.

House Jour-
nal, p. 204.

CHAPTER 211.

RESOLVE ALLOWING £12 TO THE CHAPLAIN OF HOUSE AND COUNCIL.

Resolved, That there be allowed and paid out of the publick Treasury, the Sum of Twelve Pounds to the Reverend Samuel Cooper, Chaplain to the honorable Board, and the honorable House of Representatives the current year. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
362. Mass.
Archives, xiv.,
406.

House Jour-
nal, p. 205.

CHAPTER 212.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF THE MATHEMATICS AT HARVARD COLLEGE.

Resolved, That there be granted and allowed to be paid out of the publick Treasury, to John Winthrop Esq^r Hollisian-Professor of Mathematicks and natural Philosophy at Harvard-College in Cambridge, the Sum of One Hundred Pounds, as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, and for his further Encouragement therein. [*Passed February 4.*]

Legislative
Records of the
Council, xxv.,
362. Mass.
Archives, lviil., 533^a.

House Jour-
nal, p. 204.

CHAPTER 213.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
363. Mass.
Archives,
lviii., 532.

House Jour-
nal, p. 204.

Resolved, That there be granted and allowed to be paid out of the publick Treasury, to the Executors of the Reverend D^r Edward Wigglesworth Deceased, late Hollisian-Professor of Divinity at Harvard-College in Cambridge, (to be applied agreeable to his Will) the Sum of One Hundred Pounds, as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust that was reposed in him. [*Passed February 4.*]

CHAPTER 214.

RESOLVE ALLOWING £40 TO THE HEBREW INSTRUCTOR AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxv.,
363. Mass.
Archives,
lviii., 533.

House Jour-
nal, pp. 204, 205.

Resolved, That there be granted and allowed to be paid out of the publick Treasury, to M^r Stephen Sewall, Hebrew-Instructor at Harvard-College in Cambridge, the Sum of Forty Pounds, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein. [*Passed February 4.*]

CHAPTER 215.

RESOLVE ALLOWING £50 TO THE LIEUT OF CASTLE WILLIAM.

Legislative
Records of the
Council, xxv.,
363. Mass.
Archives,
lxxx., 555.

House Jour-
nal, p. 205.

Resolved, That there be allowed and paid out of the publick Treasury, the Sum of Fifty Pounds to John Phillips, Esq^r Lieutenant of his Majesty's Garrison at Castle William, in Consideration of his faithful Discharge of that Trust. [*Passed February 4.*]

CHAPTER 216.

RESOLVE ALLOWING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

Legislative
Records of the
Council, xxv.,
363. Mass.
Archives, xlv.,
407.

House Jour-
nal, p. 205.

Resolved, That there be allowed and paid out of the publick Treasury, the Sum of Forty Pounds, to M^r Nathan Davies, Chaplain at his Majesty's Castle-William, for one Year, in Consideration of his faithful Discharge of that Trust. [*Passed February 4.*]

CHAPTER 217.

RESOLVE ALLOWING £60 AND THE FURTHER SUM OF £60 TO THE DOORKEEPER.

Resolved That there be allowed and paid out of the Public Treasury the Sum of Sixty Pounds to M^r William Baker, Doorkeeper to his Excellency the Governor and this Court for his Service for one year to be paid Quarterly: Also the further Sum of Sixty Pounds, in consideration of his Expence in hiring Assistance, and extraordinary care and trouble as Doorkeeper, and on account of the scarcity of the Necessaries of Life. [*Passed February 4.*]

Legislative Records of the Council, xxv., 363.

House Journal, p. 205.

CHAPTER 218.

ORDER SETTING OFF JOSEPH MASON AND OTHERS WITH THEIR ESTATES FROM HARDWICK TO GREENWICH.

Ordered That Joseph Mason, Abijah Powers and Richard Church with their Estates be set off from the Town of Hardwick to the Town of Greenwich, there to do duty and receive privilege in common with the other Inhabitants of the said Town of Greenwich. [*Passed February 5.*¹]

Legislative Records of the Council, xxv., 356.

Legislative Records of the Council, xxv., 233. House Journal, pp. 43, 215.

CHAPTER 219.

ORDER IN REGARD TO A DEED FROM WILLIAM FLAG TO JOS: GREENWOOD.

A PETITION of Joseph Greenwood of Holden in the County of Worcester Setting forth That on the 15th day of June 1757 He purchased of William Flagg a Lot of Meadow in said Town containing by estimation Two Acres & 51½ Perch; that he executed the deed in presence of Moses Wheeler and Joseph Davis; but that before said deed was acknowledged the said William was deprived of his reason and is now under Guardians and incapable of acknowledging the same. And Praying that the Justices of the Inferior Court of Common Pleas for the County of Worcester may be empowered to swear the Witnesses to the execution of said deed, and that the Register of Deeds for the said County may thereupon be impowered to record the same.

Read and

Ordered That the Inferior Court of Common Pleas for the County of Worcester be and hereby are empowered to swear the Witnesses to prove the deed of conveyance of the Lot of Meadow in Holden withinmentioned sold by William Flagg to the Petitioner dated January 15. 1757 in the same way and manner as if the said William was dead, and to have the same Effect: And that the Register of deeds for said County be directed to record the same. [*Passed February 5.*]

Legislative Records of the Council, xxv., 364.

House Journal, pp. 163, 211.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 6.

CHAPTER 220.

ORDER IMPOWERING THE NORTH PRECINCT OF THE TOWN OF NORTON
TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PRO-
CEEDS.

Legislative
Records of the
Council, xxv.,
364. Mass.
Archives, xiv.,
405.

Mass.
Archives, xiv.,
404. House
Journal,
pp. 197, 212,
213. Province
Laws, x., 279,
chap. 354.

A PETITION of Ephraim Leonard Esqr and Daniel Leonard both of Norton in the County of Bristol, Agents for the North Precinct in said Town Setting forth That the said Precinct is possessed of two Tracts of Land lying therein containing by estimation one hundred Acres, which was originally granted by the Proprietors of Taunton North Purchase, and appropriated with other Lands to the use of the Ministry: That upon a division of the said Lands, these two Tracts were allotted to the said North Precinct in Norton; that they are wild and uncultivated, of no present profit and much exposed to Trespasses. And Praying that they may be impowered to sell the same, the money arising by said Sale to be appropriated to the use of the Ministry in said Precinct.

Read and

Ordered that the prayer of the Pet^a be so far granted as that the north precinct in the Town of Norton by a Comm^{ee} by them to be app^{ted} for that purpose be impowered to make sale of the lands mentioned for the most the same will fetch and to make a good Deed or Deeds in the Law for conveying the same, the proceeds of said sale to be let out at interest on good security to be improved annually towards the support of a congregational minister in said precinct in the same way and manner as the rents of said lands would have been improved if it had not been dispos'd of. [*Passed February 5.*]

CHAPTER 221.

ORDER, SETTING OFF SIMON STONE AND OTHERS WITH THEIR ESTATES
FROM BELCHERTOWN TO GREENWICH.

Legislative
Records of the
Council, xxv.,
406.

House Jour-
nal, pp. 43, 214,
215. *Ante*,
p. 525, chap. 32.

A PETITION of Simon Stone and Others of Belcher town, praying to be annexed to Greenwich [*ante*, p. 525, chap. 32]

Read, and it appearing that there is no Objection to the Prayer of this Petition.

Ordered That the Prayer thereof be so far granted, as that the Lands lying East of the Line hereafter described part of Belcher town viz^t beginning where the West Line of James M^cCleu^r's Land, which he bought of some of the Heirs of Capⁿ Roswel Saltonstall deceased meets with the Westerly Line of Greenwich, and running in said M^cCleu^r's West Line to the Northwest corner of his said Land, and from thence in a direct Line to the Southwest Corner of Eight hundred Acres of Land set off from said Saltonstall's Range to M^r Elisha Hedge, claiming and holding under Will^m Brattle Esq^r and in the West line of said eight hundred Acres to the Northwest Corner thereof and from the said Northwest Corner in a direct line to the Southwest Corner of fifty acres of Land which Jacob Gibbs some time since bought of M^{rs} Rebecca Hawley and the rev^d Jonathan Edwards deceased, and in the West Line of said fifty acres to Pelham Line, together with the Inhabitants that now do or hereafter

may dwell on any part of the said Lands. be annexed to the Town of Greenwich, there to do duty and receive privilege accordingly. [*Passed February 5.*¹

CHAPTER 222.

RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK IN REGARD TO A SETTLEMENT OF AN ESTATE.

A PETITION of Joseph Whiting of Wrentham, Guardian of the Children of Stephen Kingsbury late of said Wrentham deceased Setting forth That Daniel Kingsbury late of said Wrentham dec^d devised a certain part of his Estate to his Son the said Stephen; but he dying before his Father, the said Devise was considered as a lapsed Legacy. The other Devises of the said Daniel sensible of the equity of the Case, by agreement entred into and upon record, relinquished & quitclaimed to the said Stephens Children according to the highest Estimate they could make the part or Share devised to their Father and lapsed as aforesaid. The petitioner upon application to the Judge of probate to settle said part on one of the Children it not being capable of a division was informed that the case did not come within the letter of the law which respects intestate Estates, and was advised to make his application to this Court. He therefore humbly prays that the Judge of Probate for the County of Suffolk may be empowered to settle the part or share of the children of the said Stephen in the Estate of Daniel aforesaid in like manner as he might have done by law, if Stephen had survived the said Daniel, and the said part or share had descended from him the said Stephen to his said Children as intestate Estate

[Read and]

Resolved That the Prayer of the Petition be granted, and that the Judge of Probate for the County of Suffolk be, and hereby is empowered in the Settlement of the Estate of Daniel Kingsbury late of Wrentham deceased, to consider the Children of his Son Stephen dec^d and settle their part or share in said Estate, in like manner as he might have done by law if Stephen had survived the said Daniel, and the said part or share had descended from him the said Stephen to his said Children as intestate Estate. [*Passed February 6.*

Legislative
Records of the
Council, xxv.,
366.

House Jour-
nal, pp. 190,
215, 216. Prov-
ince Laws, ii.,
151, chap. 10.

CHAPTER 223.

ORDER IMPOWERING BENJAMIN WIZER AND OTHERS, INDIANS, TO SELL LAND.

A PETITION of Benjamin Wizer of Sturbridge and Samuel Pegun and Martha Pegun of Dudley, Heirs of Samuel Bowman an Indian formerly of Worcester Setting forth That they are siezed in fee of about sixty three Acres of Land in Natick lying in three parcels; that Samuel Bowman Grandson to the said Samuel who owned one half of the said Lands is dead leaving debts to pay to the value of about Twenty pounds, which debts being discharged the remainder

Legislative
Records of the
Council, xxv.,
368.

House Jour-
nal, p. 217.
Province
Laws, xvi.,
p. 241, chap. 76,
note.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 27.

of the said Lands will belong to the Petitioners. And praying that the said Lands may be sold, the produce of said Sale to be applied to the payment of the said debts, and for the Relief of the Petitioners.

[Read and]

Ordered That the Prayer of this Petition be granted, and that the Petitioners be and hereby are fully authorised by and with the Advice and Consent of their Guardians to make Sale of the several pieces of Land mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds thereof in Law and observing the directions of the Law for the Sale of Real Estates by Exec^{rs} and Admin^{rs}, and the money arising by the Sale thereof to be put into the hands of their said Guardians, to be by them applied to the purposes mentioned in said Petition, and to be accountable to this Court as often as they shall be required. [*Passed February 7.*]

CHAPTER 224.

ORDER ESTABLISHING THE DIVIDING LINE BETWEEN THE NORTH AND SOUTH PARISHES OF DANVERS.

Legislative
Records of the
Council, xxv.,
268, 368.

Legislative
Records of the
Council, xxv.,
26. House
Journal,
pp. 85, 161, 207,
219.

A PETITION of Asa Putnam and Others of the North Parish in Danvers relating to the Bounds between the said North Parish, and the South Parish in said Danvers Setting forth, That pursuant to the Order of Court thereon they had served the Clerk of the South Parish with a Copy of the said Petition, and that the Committee of said Parish had agreed to meet them at this time to make answer thereto, but have failed of so doing. And Praying Relief.

The Committee to whom was referred the Petition of the Agents of the South Parish in Danvers praying the Line between the two Parishes in said Town as formerly settled may be established, the late running of the same as reported by a Committee appointed by this Court in June last notwithstanding; have attended that Service, fully heard the Parties, examined the original Settlement of the Line by order of the Town of Salem when first set off, and afterwards by them confirmed, beg leave to say; that notwithstanding the Report of the Committee aforesaid, which we apprehend was agreeable to the order of this Court in their appointment; yet as We find that strictly adhering to West Point of Compass the variation allowed (which this Committee was directed to observe) will carry the line of the two Parishes at a distance from where it was first established by known bounds, which still remain, and to which each Parish have held and taxed the Inhabitants and Lands accordingly for the space of sixty years and upwards, and will also include a number of Families to the North, which have always been accounted a part of the South, and are unwilling to be removed from that Society to which they and their Predecessors have belonged, and where they have attended the public Worship accordingly. Your Committee therefore report as their opinion that the Line between the two Parishes aforesaid formerly established and described in the Report of a Committee appointed by the Town of Salem for that purpose May 16. AD 1700 be hereafter accounted the Line between the two Parishes in Danvers. All which is unanimously agreed to by the committee & is humbly submitted.

(Signed) BENJ^A LINCOLN p order

Read and Accepted. And

Ordered That the Line established and described in the Report of a Committee appointed by the Town of Salem May 16. AD 1700 be, and hereby is established as the dividing Line between the north and South Parishes in Danvers; any thing in the report of the Committee appointed in June last to the contrary notwithstanding, and that the charge of the said Committee amounting to £6.16.7 be borne by the North Parish. [*Passed February 7.*]

CHAPTER 225.

RESOLVE IMPOWERING THE PROVINCE TREASURER IN REGARD TO DRAWING CERTAIN BILLS OF EXCHANGE.

WHEREAS by an Act passed by this Court at their Session in May last, the Treasurer was impowered to draw Bills to the Amount of Forty eight thousand pounds Sterling directed “To Jasper Mauduit Esqr Agent for the Province of the Massachusetts Bay in London, or in case of his death or absence To Richard Jackson jun^r Esqr” since the passing of which Act, the said Jasper Mauduit hath desired to resign the Agency, and this Court hath accepted of his said Resignation; and there yet remains in his hands a Sum fully sufficient to answer the Treasurer’s Bills to compleat the Amount aforesaid.

Legislative
Records of the
Council, xxv.,
369.

House Jour-
nal, p. 218.
Province
Laws, iv., 719,
chap. 4; 785,
note. *Ante*,
p. 585, chap.
169; p. 587,
chap. 173.

Resolved That the Treasurer be, and hereby is impowered to direct all such Bills as remain to be drawn by virtue of said Act “To Jasper Manduit Esqr in London” leaving out the remainder of the direction prescribed by the said Act, any thing therein to the contrary notwithstanding. [*Passed February 7.*]

CHAPTER 226.

ORDER ALLOWING £60 ADDITIONAL TO AND^r OLIVER.

A MEMORIAL of Andrew Oliver Secretary of the Province Setting forth That as the House of Representatives had been pleased to appoint a Committee to inquire into the Services and Perquisites of his Office, and the other Offices of the Government; He had laid before them a just and exact Account of such as accrue in the Office he sustains, the Fees and Perquisites whereof are in time of Peace inconsiderable. And thankfully acknowledging the Grants which the Court have been pleased now to make him, Praying they would make him a further Allowance, as they have done in Years past.

Legislative
Records of the
Council, xxv.,
371. Mass.
Archives,
1., 209.

Mass.
Archives,
1., 208, 217.
House Jour-
nal, pp. 117,
216, 222. *Ante*,
p. 600, chaps.
205, 206.

Read and

Ordered that the Sum of Sixty pounds be granted and paid out of the publick Treasury to the Pet^r in consideration of his extraordinary Services for the year past. [*Passed February 8.*]

CHAPTER 227.

ORDER ALLOWING £100 TO JOHN COTTON.

Legislative
Records of the
Council, xxv.,
371. Mass.
Archives,
l., 212.

House Jour-
nal, pp. 213,
222.

A MEMORIAL of John Cotton, Deputy Secretary, Setting forth That he hath used his best endeavours to despatch with Integrity the business of his Office, which he hopes have been to Acceptance. And Praying for an Allowance adequate to his time and Services.

Read and

Ordered that the Sum of one hundred pounds be granted and paid out of the publick Treasury to M^r John Cotton Deputy Secretary for his service in that Office for one year ending the first day of December last. [*Passed February 8.*]

CHAPTER 228.

ORDER ALLOWING £4. 4 TO ABR^a DURANT.

Legislative
Records of the
Council, xxv.,
372. Mass.
Archives,
lxxx., 533.

Mass.
Archives,
lxxx., 531.
House Jour-
nal, p. 221.

A PETITION of Abraham Durant of Billerica Setting forth That in the Spring of the year 1759 He inlisted into his Majestys Service and proceeded in Capⁿ Glovers company to Cape Breton and there did duty 'till Dec^r 1760 which was beyond the time for which he inlisted, and in January returned by way of Casco Bay; that in his way home he was taken sick at Wells and paid the Doctors Bill there Four pounds four shillings for which he prays an Allowance.

Read and

Ordered that the Sum of four pounds four Shillings be paid out of the publick Treasury to Sampson Stoddard Esq^r for the Use of the Pet^r in full. [*Passed February 8.*]

CHAPTER 229.

ORDER ALLOWING £90 ADDITIONAL TO THO^s HUBBARD, ESQR.

Legislative
Records of the
Council, xxv.,
374. Mass.
Archives, l.,
214.

Mass.
Archives, l.,
213. House
Journal,
pp. 117, 136, 225.
Ante, p. 600,
chap. 207.

A MEMORIAL of Thomas Hubbard Esqr Commissary General of the Province Setting forth That as the House of Representatives had been pleased to appoint a Committee to inquire into the Services & Perquisites of the several Officers who have usually received Grants from the Court, he had given in to them an exact account of such as belong to the Office he sustains. And thankfully acknowledging the Grant already made him, Praying for such further Allowance as shall be judged adequate to his Service.

Read and

Ordered that the Sum of Ninety pounds be granted and paid out of the publick Treasury to the Memorialist in full consideration for his extraordinary services in the year past. [*Passed February 9.*]

CHAPTER 230.

RESOLVE CONFIRMING THE PROCEEDINGS OF MEETINGS IN THE FIRST PARISH IN REHOBOTH IN REGARD TO PURCHASE OF REAL ESTATE, &c.

The Committee appointed the 1st of November last to repair to the first Precinct in Rehoboth, on the Petition of Aaron Read and Others, Agents for the said Precinct, having made report of their Doings in consequence of said Appointment, the following Order passed thereon viz^t

Read and Accepted. And thereupon

Resolved That the several Votes passed at a Meeting of the first Parish in Rehoboth on the 23^d & 24th of November last relative to the appointment of a Committee in the behalf of the said Parish and for their use to purchase of the Rev^d M^r John Carnes his House and Land, and to agree with the said Carnes upon the conditions of his Removal from them are hereby confirmed: and the Inhabitants aforesaid are hereby authorised and impowered at a Meeting of said Parish legally warned and assembled to raise on the Polls and Estates of the said Precinct the Sum of Two hundred and forty eight pounds, being the consideration agreed upon for the House and Land above-mentioned; as also the further Sum of Ninety Pounds to be paid the said M^r Carnes in consideration of his Expences &c in removing; the shortness of the warning for calling the aforesaid Meeting, and the Law impowering Parishioners to raise money for the building Meeting houses & support of Ministers, only, notwithstanding. [*Passed February 11.*]

Legislative
Records of the
Council, xxv.,
375.

House Jour-
nal, pp. 117, 127,
129, 227, 228.
Province
Laws, i., 62,
chap. 26; ii.,
93, chap. 1.
Ante, p. 568,
chap. 125.

CHAPTER 231.

ORDER RELIEVING JOSEPH WING AND MELETIAH GIFFORD, QUAKERS, FROM EXECUTIONS.

A PETITION of Joseph Wing and Melatiah Gifford of the People called Quakers, Praying to be restored to the possession of their Inheritance taken by execution to satisfy a Judgment obtained against them for not attending a military Muster

Read and

Ordered That there be, and hereby is granted unto Moses Swift, to be paid out of the public Treasury to Thomas Smith Esqr for the use of said Moses, the Sum of Twenty one pounds, he giving a good Quitclaim Deed to Joseph Wing of the Real Estate which he took from him by execution in 1758 for a military Fine and Costs, and also pay to him the Rents and Profits of said Estate until this time. And said Moses also giving another Quitclaim deed to Melatiah Gifford of the Real Estate which he took from him by execution the same year for a military Fine and Costs. [*Passed February 11.*]

Legislative
Records of the
Council, xxv.,
376.

Legislative
Records of the
Council, xxv.,
175. House
Journal,
pp. 105, 106, 225,
226. Province
Laws, iv., 119,
note.

CHAPTER 232.

ORDER IMPOWERING THE JUSTICES OF THE SUPERIOR COURT TO
CORRECT A JUDGMENT.

Legislative
Records of the
Council, xxv.,
376.

House Jour-
nal, p. 225.

A PETITION of Samuel Patterson of Blanford Setting forth That at the Superior Court holden at Springfield in Sept^r 1763, a Cause then depending in which the said Samuel was Appellant and one Joseph Fleming Appellee was by the Rule of the said Court referred to three persons therein named, and the Cause continued to the next Sitting of the same Court there, at which Court two of the referrees made their Report, as they apprehended in favour of the Petitioner, that he should recover Costs against the said Joseph, who was the original Plan^t in the Cause; but by a mistake of the Appelle for the Appelant, they made their Report that the Appelle should recover costs against the Appelant, directly contrary to their design in that Report. And praying that the Justices of the said Superior Court may be empowered to rectify the Judgment by them entered up according to the design of the Referrees, and to award Execution accordingly.

Read and

Ordered That the prayer of the foregoing Petition be granted; and that the Justices of the Superior Court be, and they hereby are empowered to correct and rectify the Judgment aforesaid according to the design and purpose of the Referrees aforesaid in their Report referred to, and to make the same Judgment that the said Samuel recover against said Joseph, costs of Court and of the reference to all intents, as well as they might have done, when the said Report was made, and if it had been according to the purpose of the said referrees, as set forth in said Petition and Certificate. *Passed February 11.*

CHAPTER 233.

ORDER IMPOWERING SAMUEL AND MOSES HARVEY TO SELL REAL
ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
376.

House Jour-
nal, p. 226.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Samuel Harvey and Moses Harvey both of Montague Setting forth. That Daniel Harvey some time since of Montague died leaving Issue, only one Child. That the Petitioner Moses Harvey is Adm^r of the deceaseds Estate, and the Petitioner Samuel is Guardian to his Child: That the deceaseds Homestead consists of about eighty Acres of Land in said Montague with some Buildings thereon; that it is necessary to sell a part of the said Estate for the payment of debts, and the Petitioners apprehend it would be for the interest of the Child to have the whole disposed of. And praying that they may be empowered to sell the whole accordingly, they to be accountable.

[Read and]

Ordered That the Prayer of this Petition be granted, and that the Petitioners be, and hereby are empowered to make Sale of the Real Estate mentioned therein, and to execute a good deed or deeds in the Law of the same, observing the directions of the Law for the Sale of Real Estates by Exec^{rs} and Admin^s and giving sufficient

caution to the Judge of Probate for the County of Hampshire, that the money arising from the Sale thereof be applied to the purposes mentioned in said Petition. [*Passed February 11.*]

CHAPTER 234.

ORDER DIRECTING PUBLICATION OF TERMS OF COURT.

Ordered That the Bill intituled An Act determining the times for holding the Superior Court, Court of Assize and General Goal delivery in the several Counties within this Province, be printed in all the Boston News-Papers. [*Passed February 11.*]

Legislative
Records of the
Council, xxv.,
377.

House Jour-
nal, pp. 145, 211,
214, 218, 219.
Province
Laws, iv., 733,
chap. 17.

CHAPTER 235.

RESOLVE ALLOWING A PROVINCE LAW BOOK TO THE DISTRICT LATELY TAKEN FROM RUTLAND AND LEICESTER.¹

Resolved That Capⁿ Brown of Leicester be allowed to take the printed Laws of the Province for the use of the District lately taken from Rutland and Leicester at the public Charge.¹ [*Passed February 12.*]

Legislative
Records of the
Council, xxv.,
377.

House Jour-
nal, p. 231.

CHAPTER 236.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF CUMBERLAND AND ALLOWING £2. 4. FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee and China Ware for the County of Cumberland the current Year, made report that they had sold the same to Jedediah Prebble Esq^r for Sixty Six pounds, and had taken security for payment of said Sum, and delivered the Bond to the Province Treasurer.

Read and Accepted. And

Ordered That the Sum of Two pounds four shillings be granted out of the public Treasury to the Committee for their Service in that Affair. [*Passed February 12.*]

Legislative
Records of the
Council, xxv.,
377.

House Jour-
nal, pp. 50, 232.
Ante, p. 534,
chap. 58.

CHAPTER 237.

ORDER IMPOWERING THE SELECTMEN OF THE TOWN OF WINDHAM TO CALL A TOWN MEETING, &c.

A PETITION of Abraham Anderson and Thomas Mayberry who were Selectmen of the Town of Windham in 1763 Setting forth That by reason of some illegal proceedings at their Town meeting in

Legislative
Records of the
Council, xxv.,
379.

¹ The Legislative Records of the Council, xxv., 377, reads "Paxton."

House Jour-
nal, pp. 104, 105,
110, 226, 227, 231.
Province
Laws, iii., 47,
chap. 28.
Ante, p. 556,
chap. 100.

March last, the Officers then chosen refused to qualify themselves: Whereupon they made application to this Court for a remedy in October last, and the Court made provision for the case accordingly; but they being ignorant of what the Court had done 'till within a few days past, must lose the benefit of the Order then made. And praying for a new Order of the Court to remove the difficulties they labour under.

[Read and]

Ordered That the Prayer of this Petition be granted, and that those persons who were Selectmen of the Town of Windham for the year 1763, be, and hereby are impowered and directed by a Warrant under their hands and seals directed to any person that was a Constable in said Town the year aforesaid, to warn a meeting of the Freeholders and other Inhabitants of the said Town by Law qualified to vote, some time in the month of March next, then to chuse all such Town Officers for the year ensuing as by Law Towns are required to choose in the month of March annually, and to order the assessing and collecting all the public Taxes that ought to have been assessed and collected for the year 1764, as well as those that shall be agreed upon and ordered to be assessed and collected for the year 1765, and that the Taxes for both years be made in one common rate. [*Passed February 12.*]

CHAPTER 238.

RESOLVE DISCHARGING ALL CLAIMS OF THE PROVINCE AGAINST THE ESTATE OF THE LATE TREASURER WILLIAM FOYE.

Legislative
Records of the
Council, xxv.,
389.

House Jour-
nal, pp. 25, 235.

Resolved That the Estate of the late William Foye Esqr deceased be released and discharged from all debts, dues and demands owing to the Province; upon the Executrix of said William executing a good and sufficient Release of all Debts, Dues and Demands She in her said capacity may have against the Province: and that M^r Otis, M^r Cushing, M^r Thacher and M^r Gray be a Committee to execute proper Releases on the part of the Province and to receive the same on the part of the said Executrix. [*Passed February 13.*]

CHAPTER 239.

RESOLVE GRANTING TO SAMUEL PICKARD LICENSE TO KEEP AN INN.

Legislative
Records of the
Council, xxv.,
383. Mass.
Archives, cxi.,
541.

Mass.
Archives, cxi.,
540. House
Journal, p. 240.
Province
Laws, iv., 549,
note.

A PETITION of Samuel Pickard of Brookfield Setting forth That he hath been an Innholder in said Town for several years past in the House where he now lives; but that he hath built a much more commodious new house for the business, into which he is about to remove And praying that the Justices of the Court of General Sessions of the Peace for the County of Worcester may be impowered at their next Session to grant him a License to keep a Tavern in the said new House, upon his being approbated by the Selectmen for that purpose.

Read and

Resolved that the prayer of this petition be Granted and y^e Court of Gen^l sessions for the peace in the County of Worcester in may

next are hereby Impowred to Grant the petitioner Licence to Keep a Publick House according to the Tenor of his Petition provided he shall obtain the Approbation of the Selectmen of Brookfield and Recognise as other Licenced persons. [*Passed February 15.*]

CHAPTER 240.

RESOLVE AND ORDER IN REGARD TO TAXES OF BERNARDSTON AND HUNTS TOWN.

WHEREAS a Petition has been preferred by John Burk Agent for the Town of Bernardston, & another Petition by Nath^l Kellog in behalf of the Inhabitants of Hunts Town:

Legislative
Records of the
Council, xxv.,
383.

In order that the circumstances of those Towns and their Ability to contribute some proportion to the public charge of this Province, as well as the circumstances of all other new Plantations and Settlements within this Province and their ability for such purpose may be the better known.

Legislative
Records of the
Council, xxv.,
331. House
Journal,
pp. 151, 164, 165,
188, 229, 230, 238,
239. Province
Laws, iv., 783,
note. *Ante*,
p. 546, chap.
84.

It is

Resolved and Ordered That the Assessors or some other proper Persons thereto appointed by the Inhabitants in each Plantation respectively make true and full Lists of the Polls and Estates real and personal in such plantations, and return the same under Oath to this Court at their Sessions in May next.

And that the Treasurer of this Province be and hereby is directed to stay any Executions against any constables or Collectors in either of the said Towns of Bernardston & Hunts Town until the next May Sessions. [*Passed February 15.*]

CHAPTER 241.

ORDER ADJOURNING COURTS IN BERKSHIRE COUNTY.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas by law are to be holden at Pittsfield in the County of Berkshire on the first Tuesday of March next. And whereas the Business that will probably be to be transacted at said Court will not be very considerable, nor the immediate dispatch of it any way equal to the extraordinary difficulty and expence of attending the said Court there at so difficult a time of travelling as is then like to be. And whereas the ill health of some of the Justices of the said Court may probably prevent their Attendance at that time.

Legislative
Records of the
Council, xxv.,
384.

House Jour-
nal, p. 237.
Province
Laws, iv., 737,
chap. 20; 790,
note.

Therefore

Ordered That the Court of General Sessions of the Peace and Inferior Court of Common Pleas which by law are to be holden at said Pittsfield on the first Tuesday of March next, be and hereby are adjourn'd to the last Tuesday of April next, then to be held at the Court House in Great Barrington in said County at ten of the clock in the Forenoon of said day. And that all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances and other thing and things whatsoever returnable and having day or days in

the said Court shall stand, abide and continue unto the said adjournment to the time and place last aforesaid, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Courts had not been kept and held on the day and at the place aforesaid by Law appointed for holding the same, and no Adjournment thereof had been made. [*Passed February 15.*]

CHAPTER 242.

RESOLVE ERECTING A CERTAIN PART OF STROUDWATER INTO A PRECINCT.

Legislative
Records of the
Council, xxv.,
385.

House Jour-
nal, pp. 240, 241.

A PETITION of a number of the Inhabitants of the Town of Falmouth in Casco Bay at a place called Stroudwater Setting forth That the first Parish in Falmouth to which they belonged did at their annual meeting, held on the 28th day of March last unanimously vote to set them off as a fourth Parish by certain Bounds with some Limitations as mentioned in said Vote. And praying that this Court would confirm the said Vote, and that the Polls and Estates within the said Bounds and Limits be erected into a fourth Parish, and that the Inhabitants thereof have the same powers, privileges and Immunities as any Parishes in this Province have or enjoy.

Read and thereupon.

Resolved That the Prayer of the Petitioners be granted: And that the Tract of Land hereafter described viz^t beginning at the Bridge on Back Cove Creek, and on the Road that leads from Town towards Back Cove, and from thence North forty three degrees West to the head of the Town of Falmouth, thence South twenty two degrees West to the Westerly Corner of Falmouth, thence South East adjoining the Side Line of Scarborough 'till it meets the Line of the second Parish in Falmouth, thence East adjoining the said second Parish to the Fore River, thence across the Fore River to the round Marsh at the narrow of the Neck, and over to Back Cove Creek, and down said Creek to the Bridge first mentioned, be and hereby is erected into a Parish, and that the Inhabitants within the same Tract shall have and enjoy all such immunities and privileges as the other Parishes in this Province have, and by law do enjoy. And that those persons who have left their names with the first Parish in Falmouth agreeable to a Vote of the said first Parish March 28. 1764 be of the first and fourth Parish respectively according to said Vote. [*Passed February 15.*]

CHAPTER 243.

ORDER GRANTING TO DAV^d THOMPSON LICENSE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxv.,
386.

House Jour-
nal, pp. 242, 243.
Province
Laws, lv., 549,
note.

A PETITION of David Thompson of Stoughton Setting forth That the House wherein he dwells being accommodated for the retailing of spirituous Liquors, and the Selectmen of said Town having approved him as a fit person for said Employment he applied to the Court of General Sessions of the Peace for a license for that purpose; but the time by Law limited for granting Licenses being elapsed,

the said Court could not grant him such License without the special Aid of this Court. And praying that the Court of General Sessions of the Peace next to be holden at Boston in & for the County of Suffolk may be impowered to grant him such License.

Read and

Ordered That the Justices of the General Sessions of the Peace for the County of Suffolk be allowed and impowered at their next Sessions (if they see cause) to grant the Petitioner a License to retail spirituous Liquors in the House he now inhabits the remaining part of the Year; the time for granting Licenses being elapsed notwithstanding. [*Passed February 15.*]

CHAPTER 244.

ORDER ALLOWING £2. 14 TO ROBT BLAKE.

A PETITION of Robert Blake of Wrentham Setting forth That he was a Soldier in the pay of the Province in 1756, and was detained by the commanding Officer to assist in taking care of the Sick, and was detained for that service till the 12th of December, which made his return so late that by reason of the Snow and extreme cold, he was put to great difficulty and expence in returning home. And praying an Allowance.

Read and

Ordered that the Sum of two pounds fourteen Shillings be granted out of the publick Treasury to Cap^t Timothy Metcalfe for the Use of the Petitioner in full. [*Passed February 15.*]

Legislative
Records of the
Council, xxv.,
386. Mass.
Archives,
lxxx., 548.

Mass.
Archives,
lxxx., 548.
House Jour-
nal, pp. 229, 241,
242.

CHAPTER 245.

ORDER IMPOWERING JOHN HUNT, INDIAN, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Hunt, Indian Man, now resident in Hingham Setting forth That he hath small Patrimony of of¹ about ten acres of Land lying in Pembroke, which is but of little advantage to him, and that he is not like to settle near it; that he is the only person surviving of his Family, that he hath been bred up among the English from a Child and follows the Sea. And praying that he may be impowered with the Advice of the Guardians of the Plymouth Indians to make sale of the said Land, the produce thereof to be applied towards purchasing a place convenient for his business.

[Read and]

Ordered That the Prayer of this Petition be Granted, and that the Petitioner be & hereby is Impowered by & with the Consent of one or more of the Guardian of the Indians for the County of Plymouth, to make Sale of the Woodland mentioned in the Petition containing about ten Acres, observing the Rules & Directions in the Law for the Sale of Reall Estates by Exe^{rs} & Adm^{rs} and the money arising by the Sale thereof Be applied with the advice of the Gaurdians afore S^d for the Purpose mentiond in his S^d Petition. [*Passed February 15.*]

Legislative
Records of the
Council, xxv.,
387. Mass.
Archives,
xxxiii., 321.

House Jour-
nal, pp. 233, 243.
Province
Laws, ii., 151,
chap. 10; xvi.,
241, chap. 76,
note.

¹ Sic.

CHAPTER 246.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ISRAEL MEAD FOR THE HEARING OF AN ACTION.

Legislative
Records of the
Council, xxv.,
387.

House Jour-
nal, p. 243.

A PETITION of Israel Mead of Medford Setting forth That He was sued in March last by one Richard Cutter of Cambridge, which Action was by consent continued to May court, some little time before which he was informed by his Attorney or some one in his Office that all Jury Actions were by reason of the Small pox then prevailing, to be tried at Concord Court in September; he therefore did not attend and Judgment went against him by default, and execution issued accordingly, notwithstanding it had been agreed to have the matter referred and a day was fixed for the purpose and he had given Security to acceptance. And praying that he may have a hearing at the next March Court for the County of Middlesex, and that Execution may be stayed in the mean time.

Read and

Ordered That the Petitioner serve the adverse Party with a copy of this Petition, that so he shew cause, if any he hath, on Thursday the 21 Instant why the prayer thereof should not be granted. And that Execution be stayed in the meantime, provided the Petitioner give security to the Sheriff of the County of Middlesex to satisfy the Judgment [that] ¹ may finally be obtained against him. ² [*Passed February 15.*]

CHAPTER 247.

RESOLVE IN REGARD TO THE REMOVAL OF FRENCH ACCADIANS.

Legislative
Records of the
Council, xxv.,
388. Mass.
Archives,
xxiv., 527.

Mass.
Archives,
xxiv., 526a.
Legislative
Records of the
Council, xxv.,
334, 345, 359, 365,
383. House
Journal,
pp. 243, 244.
Province
Laws, iv., 105,
106, notes.
Ante, p. 455,
chap. 183.

Resolved That the Accadians now in this Town [Boston] that by a former Order of this Court are Inhabitants of other Towns within this province & are now Subsisted (thro their Necessity) at the public Charge be further allowed at the Charge of the Province four Days Provisions more here in order to prepare themselves for their removal As Also Necessary Provision to Support Them in their Return to the several Towns to which they Respectively belong, allowing Eight Miles for a Days Travel

And That after the Expiration of the s^d four Days all such Acadians be immediately sent to the Towns to which they belong & that the Charge of the Transportation of Such of them as shall be unable to travel be paid out of y^e public Treasury. And that the Commissary General be directed to Supply the s^d Acadians with the afores^d Allowance of Provisions & to see to the Execution of this Order in Regard to their Removal to their several & Respective Towns. [*Passed February 16.*]

¹ Inserted.

² At the hearing, March 8, 1765, this petition was dismissed.

CHAPTER 248.

RESOLVE IMPOWERING SAM^L COOKE TO JOIN WITH OTHERS IN SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Cooke of Cambridge Clerk Setting forth That his late Wife Anna, daughter of the Rev^d M^r John Cotton late of Newtown deceased, dying left six children, who are in right of their said Mother intitled to her Share of their said Grandfathers Estate consisting of a Farm lying in Newtown containing about 120 Acres and about two Acres of Saltmarsh lying in Cambridge; that [there] are seven other Coheirs, all of age, who have bargained immediately to sell their Right in the said Estate; that a division thereof cannot be made without great detriment, especially to the Petitioners Children. And praying that as Guardian to them, he may be impowered to join with the other Heirs in the sale of said Estate.

Read and

Resolved That the Petitioner Samuel Cooke be impowered to join with the other Heirs of the late Rev^d John Cotton of Newtown deceased in making sale of the premises mentioned in said Petition; and in behalf of the Children mentioned in said Petition viz^t Elisabeth, Mary, Sarah Samuel, Hannah Gibbs and Rebecca, all the Children of the Petitioner and Anna his late Wife; and make and execute a good and sufficient deed or deeds of said Children's proportion of their late Grandfather's Estate: Provided that the Petitioner give caution to the Judge of Probate for the County of Middlesex, that the nett proceeds of the Sale of said Lands with the Interest arising thereon be paid to each of said Children or their Heirs, agreeable to Law, or the Will of the said John Cotton deceased. [*Passed February 18.*]

Legislative
Records of the
Council, xxv.,
390.

House Jour-
nal, pp. 246, 248.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 249.

RESOLVE ALLOWING £197. 10 TO SAM^L KNEELAND.

A MEMORIAL of Samuel Kneeland That having made a new impression of the standing Laws of the Province by order of the Court and delivered the Books agreeable thereto, he hath as yet receivd only One hundred pounds in payment. And praying that his Account may be taken into consideration, and the balance thereof paid him.

Read and

Resolved That the Sum of One hundred Ninety seven pounds ten shillings be allow'd and paid out of the Province Treasury in full of the Petitioner's Account for printing and binding the Number of four hundred and fourteen of the Province Law Books and delivering them agreeable to the order of the General Court. [*Passed February 18.*]

Legislative
Records of the
Council, xxv.,
391.

House Jour-
nal, pp. 131, 132,
135, 212, 247, 248.
Ante, p. 572,
chap. 137.

CHAPTER 250.

RESOLVE IMPOWERING AZUBAH SNOW, ADM^N., TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
391.

House Jour-
nal, pp. 251, 252.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Azubah Snow of Harwich, Widow & Admin^s of the Estate of Seth Snow late of Harwich yeoman deceased, Setting forth. That the deceaseds personal Estate falls short of a sufficiency to pay his debts &c the Sum of £21.3.4, that his Real Estate consists of an old dwelling House and Barn and several scattering pieces of Land apprized in the whole at Ninety nine pounds & eleven shillings; that the Income will scarce keep the Buildings in repair and the deceased left only one Child, now about 3 years of Age. And praying that She may be impowered to sell the said Estate for the benefit of the Child and for payment of the said debts.

[Read and]

Resolved That the prayer of the within petition be granted; and that the Petitioner be and is hereby fully authorised and impowered to make sale of the Real Estate mentioned in said Petition for the most the same will fetch and to make and execute a good deed or deeds in the law of the same and observing the directions in the law for the Sale of Real Estates by Exec^{rs} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Barnstable that the money arising by the sale thereof be applied to the payment of the just debts of Seth Snow deceased, and the Overplus, if any there be, be put out to use upon good security for the use and benefit of his only Child. [*Passed February 18.*]

CHAPTER 251.

RESOLVE ALLOWING £25 TO CAP^T BENJ^A WHITCOMB.

Legislative
Records of the
Council, xxv.,
393. Mass.
Archives,
lxxx., 444a.

Mass.
Archives,
lxxx., 443.
House Jour-
nal, pp. 244, 246
(January,
1764): pp. 71,
239, 253.

A PETITION of Benj^a Whitcomb of Leominster Setting forth That he was a Captain in the Pay of the Province in 1756 in Col^o Ruggles's Regiment, and was ordered to tarry after the Regiment marched to bring up the Invalids and Recruits, which Service he accordingly performed, who, as well as those of his own Comp^a were upon their Arrival drafted into several Companies, and the Petitioner afterwards joined his regiment and continued to do duty therein, until he was dismissed; and as his Men were put into other Companies, he never made up any Roll, nor was he inserted in any, or received any consideration for his Service. And praying an Allowance.

Read and

Resolved that the Sum of twenty five pounds be granted out of the publick Treasury to the Petitioner in full consideration for his Services within mentioned. [*Passed February 19.*]

CHAPTER 252.

ORDER OF NOTICE WITH STAY OF TAXATION ON PETITION OF FIRST PARISH IN SCARBOROUGH IN REGARD TO THE MINISTRY.

A PETITION of Alexander Kirkwood and Others of the first Parish in Scarborough Setting forth That having been for five years deprived of a Gospel Minister, and finding it difficult to agree upon the settlement of one among them, application was at length made to the Presbytery, who sent one M^r Pierce, and the majority very suddenly and rashly chose him for their Minister, and voted to alter the church Government. M^r Pierce was accordingly ordained, altho' a considerable number appeared against it, since which he hath behaved unbecoming a Minister of the Gospel. And praying they may not be compelled to pay towards the support of the said Pierce, and set off to the second Parish in said Scarborough.

Read and

Ordered that the Pet^{rs} serve the Clerk of the first Parish in Scarborough with a copy of this Petition that so they shew cause if any they have on the second Wednesday of the next May Session why the prayer thereof should not be granted and all taxes imposd upon the Pet^{rs} by the first Parish towards the maintenance of M^r Pierce be stayed in the mean time. [*Passed February 19.*]

Legislative
Records of the
Council, xxv.,
393. Mass.
Archives, xiv.,
434.

House Jour-
nal, pp. 152, 173,
187, 189, 257.

CHAPTER 253.

RESOLVE GRANTING ELEVEN ACRES OF LAND TO EDWARD WILSON.

A PETITION of Edward Wilson and Timothy Mossman of Prince Town Setting forth That the said Edward Wilson purchased about five years since a Tract of Land called Nolands Farm containing about 250 Acres, and that by a mistake of the Surveyor who laid it out, he was led to take in eleven Acres of Province Land as part of the same, being part of 105 Acres of Land lying between Nolands Farm and Gardner's Farm, and the purchaser has built his House on the said Eleven Acres.

That the Petitioner Mossman was at the charge of surveying the said 250 Acres, and that both of them have been in the Service the last War. And praying that they may have a Grant of the said 105 Acres of Province Land, they paying the Taxes due thereon for three years past.

[Read and]

Resolved That there be and hereby is granted unto the Petitioner, eleven Acres of Land lying in the District of Prince Town, being the Land on which the House mentioned in his Petition is built, being part of the Province Land lying in the District of Prince Town, that he return a plan thereof in one year for the acceptance of this Court. Provided that he pay the proportion of a Tax of two pence per acre for three years laid by the General Court in January 1762 upon all the unimproved Land in the District of Prince Town.¹ [*Passed February 19.*]

Legislative
Records of the
Council, xxv.,
394.

Province
Laws, xvi., 636,
chap. 153.

¹ Not found in the House Journal.

CHAPTER 254.

ORDER IMPOWERING URIAH AND PELEG GARDNER, ADMINISTRATORS,
TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

Legislative
Records of the
Council, xxv.,
431.

House Jour-
nal, pp. 256, 257.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Uriah Gardner & Peleg Gardner Admin^{rs} of the Estate of Ebenz^r Gardner late of Nantucket deceased Setting forth That the deceaseds debts amount to £231.5.5 more than his personal Estate is capable of discharging; that his Real Estate was apprized at £466.7.5, part whereof must be sold for the payment of debts: And as there is no Superior court held in the county of Nantucket to which they may apply for liberty to sell the same Praying That they may be empowered by this Court to sell so much of the said Real Estate as shall be sufficient to discharge the debts aforesaid

[Read and]

Ordered That the Prayer of this Petition be granted, and that the Petitioners Uriah Gardner and Peleg Gardner in their capacity be, and hereby are fully authorized and empowered to make sale of so much of the Real Estate of their late Father Ebenz^r Gardner deceas'd, as shall be sufficient to pay his debts, and the charge of application to this Court and other incidental charges, and to execute a good deed or deeds in the Law of the same; observing the directions of the Law for the Sale of Real Estate by Exec^{ts} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Nantucket that the money arising by the Sale thereof be applied to the purposes aforesaid. [*Passed February 19.*]

CHAPTER 255.

ORDER CONFIRMING LAND TO THE HEIRS AND ASSIGNS OF HENRY
HARMSON.

Legislative
Records of the
Council, xxv.,
286. Mass.
Archives,
cxviii., 57.

Mass.
Archives,
cxviii., 56.
Legislative
Records of the
Council, xxv.,
378. House
Journal, pp. 97,
107, 224, 265.
Province
Laws, xii., 71,
chap. 145.

A PETITION of John Bezune, and margaret his Wife (the said margaret being daughter of Henry Harmson late of Barblehead¹ deceased) and of Stephen Chapman Guardian of three Grand children of the said Henry Harmson Setting forth, That the said Henry Harmson some Short time before his decease had purchased of Thomas Bartlet All his Right in a certain Township granted by the General Court in 1734 to Sixty of the Inhabitants of Marblehead, lying on the back of Falmouth and North yarmouth, now called Windham, the said Thomas Bartlet being one of the original Grantees, who in the first division, or home Lotts drew N^o 25. That the said Henry Harmson and his Descendants have from that time to this paid all Taxes laid on the said Right, and performed all duties enjoined upon the Settlers; and the Settlement is now perfected, the said Thomas Bartlet having never concerned himself about it; but that the purchase deed of the said Thomas Bartlett is not to be found, nor is it recorded in the County Registers Office. That the said Thomas Bartlet died about six years since leaving several Children, some of them minors, who cannot execute a Quitclaim. And Praying that this Court would confirm the said Grant to the said Henry Harmson and his heirs.

¹ *Sic*, for Marblehead.

Read And it appearing that Thomas Bartlett one of the original Grantees of the Township now called Windham hath never done any thing towards fulfilling the Conditions of the Grant upon which his Right or Share therein was to have been confirmed to Him It is hereby

Ordered that the Share of Land in the said Town intended, on certain conditions, to have been for the said Bartlett be, and it hereby is confirmed to the Heirs and Assigns of the said Henry Harmson forever; the said Henry Harmson & his Heirs having fulfilled the conditions upon which the said Grant was made, on the right of the said Tho^s Bartlet, who as is alledged in the said Petition had sold the same to him. [*Passed February 22.*¹

CHAPTER 256.

ORDER ALLOWING 40/ PER ANNUM TO ISAAC MORTON.

A PETITION of Isaac Morton of Plymouth Setting forth That he was a Soldier in the pay of the Province at the taking of Cape Breton the last War; and that in the year 1759 he served again in the Pay of the Province and was ordered aboard the Neptune under Admiral Saunders, where he was at the Surrender of Quebec; that in exercising the Great Guns, he put out several of the Bones of the Wrist of his Right hand, whereby it is rendred useless, and he become incapable of earning his Living. And praying an Allowance.

Read and

Ordered that a pension of forty Shillings per annum be paid the Pet^r out of the publick Treasury in consideration of his sufferings within mentioned until the further Order of this Court. [*Passed February 22.*

CHAPTER 257.

RESOLVE GRANTING SIX HUNDRED ACRES OF LAND TO JOSIAH WOLCOTT, EDWARD HUTCHINSON AND THE LEGAL REPRESENTATIVES OF THOMAS CLARK.

A PETITION of Josiah Wolcott in behalf of himself and Edward Hutchinson Esqr Setting forth That their common Ancestor Thomas Clark Esqr was possessed of a valuable Tract of Land originally granted by the Colony of Massachusetts Bay: that upon the Settlement of the Line with Connecticut in the year 1713, it appeared that the said Tract fell within the Colony of Connecticut; but it was previously agreed that in such case an equivalent should be given to the said Colony, and the Land should remain to the Representatives of the original Grantees, that an Equivalent was given and accepted accordingly for the rest of the Lands, but not for this particular Grant. That your petitioners Predecessors remained in possession of the said Land and continued to make improvements about thirty years afterwards until it was made a very valuable Estate, that at length about the year 1750 when the Town of Woodstock &c revolted, possession was taken by certain persons of the

Legislative
Records of the
Council, xxv.,
396. Mass.
Archives,
lxxx., 491.

Mass.
Archives,
lxxx., 491.
House Jour-
nal, p. 262.

Legislative
Records of the
Council, xxv.,
397. Mass.
Archives,
xlv., 498.

Mass.
Archives,
xvi., 496.
Legislative
Records of the
Council, lx.,
399. Executive
Records of the
Council, vi.,
244. House
Journal,
pp. 184, 260.
Province
Laws, xlv., 236,
chap. 271; 337,
chap. 182.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 12.

s^d Tract and notwithstanding the Petitioners Predecessors by every method endeavoured the recovery thereof; yet under pretence that the original Grant of this Government was annullity, the Land not being within the Limits of the Charter, they have lost the whole Tract, and can have no remedy but from the General Court of this Province. That the Petitioners are Sufferers more than a thousand pounds lawful money by the Loss of this Tract of Land, and humbly conceive that their case is such, that this Court will think it reasonable, that satisfaction should be made them, but when or how to obtain it, they are utterly ignorant without the Aid of this Court. And praying their consideration of this and of their former petitions relative to the same subject, and that they may be relieved, as to the Court in their Wisdom shall seem meet.

[Read and]

Resolved That there be Granted to the Petitioners and the other Legal Representatives of Thomas Clark Esq^r six hundred acres of the unappropriated Land in this Province in lieu of the Land taken from Their Predecessors as mention'd in their Petition The six hundred acres to be laid out where it may not Interfere with any former Grant, and be least Prejudicial to any Tract of said Lands suitable for a Township. And that they return a Plat thereof to this Court for Acceptance as soon as may be. [*Passed February 22.*]

CHAPTER 258.

RESOLVES IN REGARD TO THE PURCHASE BY JN^o CUMMING OF TOWNSHIP N^o 5, AND ALLOWING 300 ACRES OF LAND TO EPHRAIM KEYS.

Legislative
Records of the
Council, xxv.,
260, 398.

Legislative
Records of the
Council, xxv.,
324. House
Journal, pp. 59,
81, 155, 183, 184,
192, 227, 242, 247,
255, 266. *Ante*,
p. 242, chap. 50;
p. 412, chap. 76.

A PETITION of John Cumming and Others Setting forth That they purchased of the Government the Township N^o 5 in the County of Berkshire for the Sum of £1800 expecting the same was clear of all Incumbrances; but so it is that one Ephraim Kies has settled thereon and claims thirteen hundred Acres under an Indian Title, has inclosed a considerable part of it, and got it under improvement, and rels upon his Title, Wherefore the Petitioners pray for the Aid of this Court in removing the said Kies, that so the Land which they have purchased may be secured to them.

The Committee appointed the 14th of January last upon the Petition of John Cumming and Others, the following Order passed thereon viz^t

Whereas it appears to this Court by the Petition of John Cumming and Others, and the Answer of Ephr^m Keys, That the said Ephraim Keys purchased of the Indians two thousand and five hundred Acres of Land as set forth in his Answer: That he actually entered upon the same, and made considerable improvements upon about four hundred acres thereof; two hundred Acres whereof fall within the Bounds of the Township sold the Petitioners: That the said Ephraim is now sensible of his mistake, and willing to submit to the pleasure of the Court thereupon, yet apprehends he ought to be considered for his Labour and expence upon a Wilderness, whereby the purchasers aforesaid are benefited, and desires to be quieted in One hundred Acres, on which he has placed his Son, and built a House and Barn, which Lot in the division of the Township fell to M^r James Barret, one of the Petitioners.

Therefore in order to save trouble and expence to this Province and to all Parties,

Resolved That on the said James Barrets executing to the said Keys a release of all Right to the said Lot, there be allowed out of the Bonds given by the Petitioners to the Province the Sum of twenty Pounds: And in regard the said Keys will be still a great Sufferer.

Resolved That there be granted to the said Ephraim Keys three hundred Acres of the unappropriated Lands of this Province within the County of Hampshire or Berkshire to be laid out in one place, and return a plan thereof to this Court for confirmation within one year; which Grants are to be understood to be in full satisfaction for the improvements he has made on the Province Lands as aforesaid under an illegal purchase, and to be in full consideration likewise of his wholly ceding from all possession of the said Lands, excepting the Lot of One hundred Acres. [*Passed February 23.*¹

CHAPTER 259.

RESOLVE APPOINTING A COMMITTEE TO EXECUTE A DEED TO WM DENNIE.

In the House of Representatives

Resolved That James Otis jun^r Esqr and Mr Thomas Gray with Such as the hon^{ble} Board shall join be a Committee in behalf of this Government to execute a good deed of Sale to William Dennie of Boston Merchant his heirs and assigns forever of a piece of Land on the Westerly side of the Province Stable Yard in Boston aforesaid of the Contents of sixty six feet in length and nine feet nine inches in breadth: The consideration is that the said William Dennie hath at his own Cost and Charge built a good and sufficient Wall of Stone and Brick well laid in Lime Mortar of seven feet and a half high, and one hundred and four feet in length on the West-erly side of the Province Land and Stables aforesaid, and in every part compleated the same to the acceptance of a former Committee of this Court. And this Committee are to take care that the said Land be subjected and remain as a Security to this Government that the said Wall shall be upheld and maintained in repair forever.

In Council Read and Concurred and Tho^s Flucker Esqr^r is joined in the Affair. [*Passed February 23.*

Legislative
Records of the
Council, xxv.,
400.

Mass.
Archives,
xvi., 505.
House Jour-
nal, pp. 258, 266,
267. *Ante*,
p. 430, chap.
116.

CHAPTER 260.

ORDER IMPOWERING JACOB MORRILL, GUARDIAN, AND DOROTHY HIS WIFE, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jacob Morrill and Dorothy his Wife, Relict of Nath^l Brown late of Salisbury deceased and Intestate, the said Jacob being Guardian to Nathan^l Brown and Orlando Brown, Minors

Legislative
Records of the
Council, xxv.,
401.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is February 22.

House Journal, p. 264.
Province
Laws, ii., 151,
chap. 10.

and Children of the said deceased. Setting forth That there hath been set off to the said Minors of the said deceaseds Estate about ten acres of Pasture Land to each. That the other Heirs are all desirous to sell, neither of them being able to purchase the whole; and jointly praying that the said Jacob Morrill as Guardian aforesaid, and Dorothy his Wife as Admin^r of the said deceased's Estate may be impowered to make sale of the said Minors Interest therein, they to be accountable according as the Law directs.

[Read and]

Ordered That the prayer of this Petition be granted; and that Jacob Morrill and his Wife Dorothy in their respective capacities be and hereby are fully authorised and impowered to make sale of the Real Estate of the said Nath^l Brown and Orlando Brown Minors, mentioned in said Petition for the most the same will fetch and to execute a good deed or deeds in law of the same, observing the directions of the Law for the sale of real Estates by Exec^{rs} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Essex that the money arising by the sale thereof be put out to interest for the benefit of the said Minors and paid to them as they shall come of age according to Law. [*Passed February 25.*]

CHAPTER 261.

RESOLVE ALLOWING £17. 13. 10 TO LIEUT. ANDⁿ COBURN.

Legislative
Records of the
Council, xxv.,
401.

Mass.
Archives,
lxxx., 557.
House Jour-
nal, pp. 230, 249,
258, 259.

A PETITION of Andrew Coburn Setting forth That he was a Lieutenant in Capⁿ Cowden's Company in Col^o Saltonstal's Regiment; that the said Company was mustered by Ensign Campbell at Springfield and a billeting Roll made out accordingly and approved of by said Campbell and only paid in part, the remainder being Thirty pounds Ster^l that there was also a subsequent billeting Roll made out for said Company and approved of by said Campbell amounting to Five pounds Ster^l which he in no part paid but certified on the bottom of each Roll that the said Sums were due and promised that they should receive the same when they arrived at Albany; the Memorialist accordingly applied for the money, but could not get it, whereupon the men grew mutinous, and the Petitioner was obliged to promise them that they should be paid, and has accordingly paid them in part the Sum of £14.1.4 Ster^l which he prays may be reimbursed to him.

Read and

Resolved That the Sum of Seventeen pounds thirteen shill^{gs} and ten pence be paid out of the public Treasury to the Memorialist on account of his Loss and Sufferings in this Affair. [*Passed February 25.*]

CHAPTER 262.

RESOLVE IMPOWERING WILLIAM PRICE, ATTORNEY AND GUARDIAN,
TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO
THE PROCEEDS.

A PETITION of Elisabeth Price Relict of Roger Price late of Leigh in the County of Essex in the Kingdom of Great Britain, but heretofore of Boston in New England Clerk deceased, and William Price Esq eldest Son of the said deceased and Executrix & Executor of the last Will & Testament of the said deceased, for and in behalf of themselves and of Thom^s Price and Andrew Price Minors, Sons likewise of the deceased, the said William Price for and in behalf of Henry Yelverton Price, another Son of the deceased, from whom he hath full power to sell and dispose of all Right he hath or may have to any Estate in North America as by his Letter of Attorney annexed may appear. And likewise petitioning Elisabeth Price only surviving daughter of the said Roger Price deceased Setting forth and shewing That the said Roger Price died siezed of a certain Real Estate lying and being in Hopkinton in the County of Middlesex in the Province of the Massachusetts Bay, which Estate he by his said Will devised to his four Sons beforementioned subject nevertheless to certain Trusts viz^t one moiety of the Rents to the support and education of the two younger Sons Thomas and Andrew until they shall be otherwise provided for; and the other Moiety of the same to be paid to his daughters Elisabeth & Mary, during the term of their natural Lives, unless that his said Wife should at her death give to them her two Houses in Boston, in which case the said two daughters were to have only Four pounds apiece paid them out of the said Rents. That by his said Will he appointed his said Wife Elisabeth, and his said Son William, Guardians to the two younger Sons Thomas and Andrew, and that his daughter Mary is since dead. That the said Roger Price at the time of his death was in his own right intitled to very little, if any other Estate and Effects than what he has devised by his said Will, and the said Estate at Hopkinton, which said Estate lying so remote from them, has most years produced very little, and some years nothing at all, and so is insufficient to fulfil and satisfy the several purposes and Appointments of the said Will; but that it would, if sold produce a considerable Sum which placed at interest would enable them to perform the Trusts thereby reposed in them. And praying that the above-named William Price may be authorized and empowered to dispose and sell the said Estate at Hopkinton for the Purposes aforesaid.

[Read and]

Resolved That the Prayer of this Petition be granted and that William Price in his capacities of Attorney and Guardian within-mentioned, be, and hereby is authorised and empowered to make Sale of the Real Estate at Hopkinton belonging to Roger Price heretofore of Boston, but last of Leigh in the County of Essex in Great Britain, Clerk deceased for the most the same will fetch and to execute a good deed or deeds in Law for the same, he observing the directions of the Law relative to the sale of Real Estates by Exec^{rs} and Admin^s, and also giving sufficient Security to the Judge of Probate for the County of Middlesex, that the money arising by

Legislative
Records of the
Council, xxv.,
402.

House Jour-
nal, pp. 187, 271.
Province
Laws, ii., 151,
chap. 10.

the Sale, shall be put out upon Interest and applied to the uses and purposes mentioned in the last Will of the said deceased. The Petitioner causing the Exemplification of the Will aforesaid with the power of Attorney and Papers annexed to be deposited in the Secretary's Office, and making Oath before the Judge of Probate for the said County of Middlesex that he will faithfully execute the said Will, the Exemplification of which he has caused to be registered in the Probate Office for the said County. [*Passed February 25.*]

CHAPTER 263.

ORDER ADJOURNING THE COURTS OF YORK COUNTY.

Legislative
Records of the
Council, xxv.,
404.

House Jour-
nal, pp. 209, 210,
273. Province
Laws, iv., 737,
chap. 20. *Ante*,
p. 539, chap.
201.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas which by Law were to be held at York for the County of York on the first Tuesday of January last, now stands adjourned by this Court to the first Tuesday in April next. And this Court having lately passed An Act, whereby the time for holding the said Courts the next April term is altered from the first Tuesday to the second Tuesday in said month, which renders a further Adjournment of said January Courts necessary to the end that much needless Travel and Expence may be thereby saved to the Inhabitants of said County. Wherefore

Ordered That the said Court of General Sessions of the Peace, and Inferior Court of Common Pleas which now stand adjourned to the first Tuesday in April next, be, and hereby are further adjourned to the second Tuesday in said month to be held at the Court House in the said Town of York. And all pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances and other thing and things whatsoever returnable, and having day or days in the said Courts, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all Intents and purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding the same, and no former Adjournment thereof had been made. [*Passed February 26.*]

CHAPTER 264.

RESOLVE ALLOWING £10 TO JOHN DAY.

Legislative
Records of the
Council, xxv.,
404. Mass.
Archives,
lxxx., 538.

House Jour-
nal, p. 245.

A PETITION of Doc^t John Calef, Representative of Ipswich Setting forth That he preferred a petition to this Court in behalf of John Day of said Ipswich praying an Allowance for billeting a number of Men in Col^o Moultons & Col^o Thwings Regiments in the year 1761 amounting to £13.10.10 upon which the House of Representatives did on the 16th of February Instant as appears by their Journal allow him to receive £10 out of the Treasury; but that the said Petition is mislaid. And praying that the said Grant may be revived and confirmed.

[Read and]

Resolved that the Prayer of this Petition be Granted And that there be paid out of the Publick Treasury the Sum of Ten pounds

to D^r John Calef for the use of John Day of Ipswich in full satisfaction for Nursing & Boarding one Eben^r Cook & other Charges as set forth in S^d Petition. [*Passed February 26.*]

CHAPTER 265.

ORDER ABATING THE POLL TAXES IMPOSED ON THE FRENCH NEUTRALS IN FALMOUTH (CUMBERLAND COUNTY).

A PETITION of John White Setting forth That he is one of those unhappy People who were taken from their native Country & brought hither during the last War. that he was an Inhabitant of Menis in Nova Scotia, and upon his being sent hither placed with Others in Falmouth in Casco Bay, where they are charged with public Taxes which adds greatly to their distresses. And praying that they may be excused from paying such Taxes until they shall get into a way of business to provide for themselves and Families.

Read and

Ordered That the assessors of the said Town of Falmouth be directed to abate all the Poll Taxes heretofore imposed upon all the French Neutrals, (So Call'd) living in said Town. [*Passed February 27.*]

Legislative
Records of the
Council, xxv.,
432. Mass.
Archives,
xxiv., 531.

Mass.
Archives,
xxiv., 530.
House Jour-
nal, pp. 267, 270,
271. Province
Laws, iv., 106,
note; xvi., 553,
chap. 477.

CHAPTER 266.

ORDER ALLOWING £1. 11. 6 TO JOSH^A TURNER.

A PETITION of Joshua Turner¹ of Pembroke Setting forth. That He was a Soldier in the Pay of the Province in 1761, and that on his return home he was taken sick, and lay twenty one days sick on the Road, And Praying an Allowance.

Read and

Ordered that the Sum of one pound eleven Shillings and six pence be paid to m^r John Turner for the use of the Pet^r in full. [*Passed February 28.*]

Legislative
Records of the
Council, xxv.,
432. Mass.
Archives,
lxxx., 527.

Mass.
Archives,
lxxx., 527.
House Jour-
nal, p. 275.

CHAPTER 267.

ORDER ALLOWING £5. 8 TO REB^A GILBERT.

A PETITION of Rebecca Gilbert of Halifax in the County of Plymouth Setting forth That her husband Benj^a Gilbert dyed on his return from Nova Scotia in 1762, having there been in his Majesty's Service, and that her two Sons Benj^a Gilbert and Henry Gilbert returned home sick from the same Service, and so continued for some time, the latter not having been able to do a days work since. And praying an allowance for her expence in boarding & nursing of them.

Read and

Ordered that the Sum of five pounds eight Shillings be paid to Cap^t John Bradford for the Use of the Petitioner in full. [*Passed February 28.*]

Legislative
Records of the
Council, xxv.,
432. Mass.
Archives,
lxxx., 547.

Mass.
Archives,
lxxx., 547.
House Jour-
nal, pp. 276, 277.

¹ The House Journal, p. 275, reads, "Joshua Turner, jun."

CHAPTER 268.

RESOLVE GRANTING £761.0.6 AND A FURTHER AMOUNT OF £310 TO ANDREW OLIVER AND ASSOCIATES IN THE LINEN MANUFACTURE, UPON CONDITION, WITH AN ALTERNATIVE.

Legislative
Records of the
Council, xxv.,
409. Mass.
Archives, lix.,
498.

House Jour-
nal, pp. 180, 278,
279. Province
Laws, iii., 680,
chap. 8; xv.,
258, chap. 229;
xvi., 429, chap.
171.

WHEREAS, the Great & Generall Court, to Incourage y^e Severall Branches of y^e Linnen manufacture (*AD* 1753) By an act Intitled an act, for Granting the Sum of fifteen hundred pounds, to Incourage the manufacture of Linnen, Did Grant a Sum of fifteen hundred pounds to be Paid unto Andrew Oliver Esq^r M^r Thomas Green, Thomas Hubbard Esq^r M^r John Franklin, M^r Middlecot, Cooke, M^r Thomas Gunter, M^r William Clarke, M^r Sylvester, Gardiner, M^r William Bowdoin, & M^r Isaac Winslow, and for the purposes therein: mentioned within five years; Said Sum to be raised, by a Tax, or Duty on Every, Coach, Chariot, Chaise Calash & Chair within this Province for the Space of five years

And WHEREAS there was within that Term of five years affores^d by Said Tax Collected & paid, to the Said Andrew Oliver Esq^r & Associates aforesaid y^e Sum of Seven hundred & Thirty Eight pounds, Nineteen Shillings & Six-pence; So that there remains the Sum of Seven hundred & Sixty-one pound & Six pence to Ballance To make up the Sum of fifteen hundred pounds Originally Granted by the Act afforesaid Wherefore

Resolved, that the Said Sum of Seven hundred & Sixty one pound & Six pence, be paid out of the publick Treasury to Andrew Oliver Esq^r & associates, mention'd in s^d Act or the Survivors of them, to fulfill the Obligations of this Government by Vertue of Said Act to pay the Sum of fifteen hundred pound as afforesaid; And also the further Sum of three hundred, & Ten pounds, being the Interest arising upon the Sum of Seven hundred & Sixty one pound & Six pence the Ballance afforesaid Computeing the Same at the End of Said five years the Time of Payment; the Said Andrew Oliver & his Associates afores^d or the Survivors of them Giveing to this Goverment a Discharge of all obligations this Province may be under for the payment of any Sum or Sums of money by Virtue of the Act afforesaid, for the purposes, therein mentioned, and that The Province Treasurer be & hereby is Impowered in Behalf of this Government to Recieve there Discharge accordingly But if the S^d Andrew Oliver Esq^r & his associates aforesaid or the Survivors of them shall refuse to Give Such Discharge, and shall Chuse rather to repay to the Province what they have Contributed, towards the Incouragment of the Linnen manufacture, Then & in that Case upon there paying into the Treasury of this Province the Sum of Seven hundred & Thirty Eight pound, Nineteen shillings & Six pence, within one year without Interest; The Treasurer for the Time being is hereby required & fully authorized & Impowered, to make & Execute a Good & Lawfull Deed, unto the said Andrew Oliver Esq^r & and his Associates aforesaid or the Survivors of them, or to such person or persons as they shall in writing under their hands appoint of this Provinces Title to the House & Lands purchased & built for Carrying on the Linnen manufacture, Commonly Called y^e manufactory house. [*Passed March 1.*]

CHAPTER 269.

RESOLVE ON KENNEBEC PETITION IN REGARD TO TAXES.

A PETITION of a number of the Inhabitants on Kennebec River and places adjacent Praying to be freed from the taxation of the Town of Pownalborough

[Read and]

Resolved that the prayer of this Petition be granted. and that the Petitioners with their Poles and Estates be Exempted from paying any Taxes to the Town of Pownalborough. And the Taxes already assessed on them, or their Estates, are hereby declared Void. & shall not be Collected. and the assessors of said Town are hereby forbidden to Assess or tax any person or persons that are Setled. or May Settle upon Lands not withing¹ the bounds of said Town, till the further Order of this Court. [*Passed March 1.*]

Legislative
Records of the
Council, xxv.,
410. Mass.
Archives,
cxviii., 39.

Mass.
Archives,
cxviii., 39.
House Jour-
nal, pp. 64, 269,
277. Province
Laws, iv., 695,
note. *Ante*,
p. 538, chap.
68.

CHAPTER 270.

ORDER EXEMPTING LIEUT. JN^O PHILLIPS FROM PAYING EXCISE ON SPIRITUOUS LIQUORS USED AT CASTLE WILLIAM.

A PETITION of John Phillips Esqr Lieutenant of Castle William Setting forth That the spirituous Liquors used at the said Castle hath never, as he has been informed, [been] charged with the Excise duty, that upon the said duty being demanded of his Predecessor Capⁿ John Larrabee, he made application to the General Court, who thereupon exempted him. That the Memorialist relying hereupon ordered the Soldiers to be supplied without any advance in the price for or on account of the Excise: notwithstanding which the present Collector demands the duty of Excise of the Memorialist for all the Liquors expended at the Castle since he receiv^d his Commission. And praying Relief.

Read and

Ordered that the prayer of the Mem^o be so far granted as that the Collector of Excise for the County of Suffolk be and he hereby is directed not to demand any excise on spirituous Liquors heretofore used or disposed of by him by retail at His Majesty's Castle William. And that He be freed from any obligation to pay the same. [*Passed March 1.*]

Legislative
Records of the
Council, xxv.,
411. Mass.
Archives,
lxxx., 559.

Mass.
Archives,
lxxx., 558.
House Jour-
nal, pp. 189, 280,
283. *Ante*,
p. 595, chap.
191.

CHAPTER 271.

ORDER SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM STOUGHTON TO THE THIRD PRECINCT IN BRAINTREE.

A PETITION of the Agents of the Town of Stoughton referring to a Petition of a number of the Inhabitants of the 3^d Parish in said Town praying to be set off to Braintree on account of the badness of the Road¹ which they are obliged to travel in order to attend public Worship,

Legislative
Records of the
Council, xxv.,
241, 336.

Legislative
Records of the
Council, xxv.,

¹ *Sic.*

334. House
Journal,
pp. 171, 285.
Ante, p. 296,
chap. 161.

The Committee appointed Yesterday on the Petition of Atherton Wales and Others made report: and thereupon the following Order passed viz^t Read and

Ordered That this Report, and likewise the report of a former Committee, signed Benj^a Lincoln ~~in~~ order, which was offered the 22^d Instant be accepted. And that Atherton Wales, Nathanael Wales, David Vinton, Moses Wales, Thomas Penniman, Joseph Lovell, and Nehemiah Blanchard of Stoughton, they and their Estates, be, and hereby are annexed to the third Precinct in Braintree, there to do duty and receive privilege, so far as relates to Precinct Affairs, and that the Charges of the former Committee aforesaid, be paid by the Petitioners, thus annexed to the 3^d Precinct in Braintree. [*Passed March 2.*]

CHAPTER 272.

ORDER IMPOWERING THO^s AND BENJ^a FORSEY TO ENTER A COMPLAINT.

Legislative
Records of the
Council, xxv.,
374, 412.

House Jour-
nal, pp. 225, 285,
286.

A PETITION of Thomas and Benj^a Forsey both of Albany in the Province of New York Setting forth That at the Inferior court of Common Pleas held at Boston in and for the County of Suffolk in October 1761, they obtained Judgment against Josiah Powers of Littleton in the County of Middlesex Gentleman for £21.3.11½ & Costs of Court taxed at £2.4.6, from which Judgment the said Josiah appealed to the next Superior Court of this Province and recognized to prosecute the same, but failed. And the Petitioners through some mistake omitted entering a Complaint at said Court. And Praying that the Justices of the said Court may be impowered to admit and receive said Complaint and proceed and determine thereon, as tho' it had been duly and regularly entered.

Read; and it appearing to the Board that the adverse Party had been duly notified, and there being no Answer given in.

Ordered That the Prayer of the Petition be granted, and that the Petitioners have liberty to enter a Complaint at the next Superior Court, Court of Assize and General Goal delivery to be holden at Boston for the County of Suffolk, against Josiah Powers within mentioned for not prosecuting his Appeal. And the Justices of the said Court are hereby authorised and impowered to admit and receive the said Complaint and proceed and determine thereon as tho' it had been duly and regularly entered at the time by Law appointed. [*Passed March 2.*]

CHAPTER 273.

RESOLVE DIRECTING THE PROVINCE TREASURER TO SUE FOR ALL DEBTS DUE THE PROVINCE.

Legislative
Records of the
Council, xxv.,
413.

House Jour-
nal, p. 285.

Resolved That Harrison Gray Esqr Province Treasurer be, and hereby is directed and impowered in behalf of the Province to demand and sue for all debts due to the Province from any person or persons whatsoever & prosecute the same to final Judgment and Execution. First advertising this Resolve in the public News-Papers as soon as may be. [*Passed March 2.*]

CHAPTER 274.

RESOLVE IN REGARD TO THE SETTLEMENT OF THE ESTATES OF
ROBERT AND GEORGE DUNCAN.

A PETITION of Tho^s Stevenson of Boston Exec^r of the last Will & Testament of George Duncan late of said Boston dec^d Setting forth That the said George by his Will aforesaid gave one third of his whole Estate to his Wife and the other two thirds to his Brothers and Sisters. That the said Georges Estate consists wholly, except £29.19.3 in his Share of his Father Robert Duncan's Estate, also deceased; That the said Robert by his Will ordered that the Principal of his Estate should remain in the hands of his Exec^{ts} 'till his youngest Child should come of age, that his youngest Child is now of the age of 17 years, there being three of age. That the debts of the said George Duncan amount to £239.1.3 more than the Estate he died possessed of will discharge, and the Petitioner has no other means of discharging them, than by the money in the hands of the forementioned Robert Duncan's Executors, who are willing to settle their Accounts, if they could be legally discharged. And praying that the said Executors may be impowered to pay to the Petitioner his Testators Share in the said Roberts Estate, and also to the other Children (one of whom the Petitioner married,) their respective parts, in like manner as if the youngest Child was of Age.

[Read and]

Resolved That the Prayer of this Petition be granted. And that the Executors of the Testament of Robert Duncan, late of Boston Merch^t deceased, be and hereby are impowered to pay to the Petitioner as Executor of the Testament of George Duncan late of said Boston deceased all that Share and proportion that on a just settlement of the said Roberts Estate shall be due to the Estate of the said George Duncan: The Petitioner to account therefor with the Judge of Probate for the county of Suffolk.

Also that they be impowered to pay to each of the other Children of the said Robert Duncan their respective Shares of their said Fathers Estate in like manner as if his youngest Child was now of full age. Provided they give sufficient caution to the Judge of Probate for the said County of Suffolk, whereby the s^d youngest Childs legal Share of the said Roberts Estate and the maintenance of said Child 'till it arrives to the age of twenty one years may be secured agreeable to the design of the said Roberts last Will and Testament. [*Passed March 5.*]

Legislative
Records of the
Council, xxv.,
414.

House Jour-
nal, pp. 252, 253,
289, 290.

CHAPTER 275.

RESOLVE DESIRING HIS EXCELLENCY TO ORDER A SURVEY OF ROADS.

In the House of Rep^{ues}

The House upon consideration of His Excellency's Message of the 25th of October last; and of Lord Hallifax's Letter accompanying the same came to the following resolutions Viz

Legislative
Records of the
Council, xxv.,
414. Mass.
Archives,
cxxi., 431.

Legislative
Records of the
Council, xxv.,
288, 289 *bis*.
House Jour-
nal, p. 287.

Resolved that the first part of His Lordship's Letter relating to ferries and houses are in this Province sufficiently provided for

Resolved that His Excellency be and is hereby desired to cause an actual survey of the Post roads thro' this Province, and the roads leading to Albany and Georgetown to be taken.

Provided the whole of the expence do not exceed the sum of two Hundred pounds

In Council Read and concurred. [*Passed March 5.*]

CHAPTER 276.

ORDER REMITTING TO THE TOWN OF TOPSFIELD £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative
Records of the
Council, xxv.,
415. Mass.
Archives, l.,
207.

Mass.
Archives, l.,
206. House
Journal, p. 289.
Province
Laws, iv., 648,
chap. 10; 696,
note.

A PETITION of Samuel Smith, Representative of the Town of Topsfield Setting forth That the General Court was pleased to lay a Fine of Ten Pounds upon them for not sending a Representative to Court in the year 1763; that although Topsfield is an antient Town it is one of the smallest in the County of Essex, that they have usually sent a representative, but that their Town charges were that year and the year following very great And praying that the said Fine may be remitted.

Read and

Ordered that the prayer of this Petition be granted and that the sum of ten pounds be granted out of the publick Treasury to the Pet' for the Use of said Town accordingly. [*Passed March 5.*]

CHAPTER 277.

ORDER DIRECTING THE COLLECTOR OF EXCISE FOR THE COUNTY OF SUFFOLK TO REMIT £10. 5. 6 TO SARAH VENNER.

Legislative
Records of the
Council, xxv.,
415.

House Jour-
nal, p. 291.

A PETITION of Sarah Venner of Boston Widow Setting forth That She was left a Widow about sixteen years ago with an expensive Family of seven Children, whom She hath supported by her industry; that She hath had a License to retail spirituous Liquors, but by reason of Sickness and other Afflictions she was not able to pay the excise amounting to £10.17.6 for which her Bondsman has been sued, and thereupon her Goods have been attached, and she hath been stripped of almost every thing she had, and deprived of her License: That she is now advanced in years and grown infirm; And praying the compassionate consideration of the Court

Read and

Ordered That the Prayer of the Petition be granted, and that the Collector of Excise upon spirituous Liquors &c be directed to remit the Sum of Ten pounds five shillings and six pence to the Petitioner accordingly. [*Passed March 5.*]

CHAPTER 278.

ORDER ALLOWING £230 TO HARRISON GRAY.

A PETITION of Harrison Gray Esq Treasurer and Receiver General of the Province Setting forth That he hath drawn Bills on the Agent for £35,000 Ster^l agreeable to the order of Court, and hath issued Government Securities to the amount of £72,334 borrowd of sundry persons under the like authority. That he hath paid the Interest due on other Government Securities to the amount of £10,660.14.9. That while the Small pox was in Boston, he held his Office in the Country one day in the week, and at Concord, while the Court was sitting there, in order to accomodate the People of the Country, who had not had that distemper And praying an Allowance for these and his other extraordinary Services the last year.

Read and

Ordered that the Sum of two hundred and thirty pounds be granted and paid out of the publick Treasury to the Memorialist in consideration of his extraordinary services for the year past for which no allowance has been made. [*Passed March 6.*]

Legislative
Records of the
Council, xxv.,
419. Mass.
Archives, civ.,
335.

Mass.
Archives, civ.,
333. Legisla-
tive Records
of the Council,
xxv., 348.
House Jour-
nal, p. 233.

CHAPTER 279.

ORDER ALLOWING A PROVINCE LAW BOOK TO THE TOWN OF ASHBURNHAM.

Ordered That the Inhabitants of Ashburnham be allowed to take to their use the Province Laws at the public Charge. [*Passed March 7.*]

Legislative
Records of the
Council, xxv.,
421.

House Jour-
nal, p. 236.

CHAPTER 280.

RESOLVE CONTINUING THE ESTABLISHMENT FOR CASTLE WILLIAM.

THE SECRETARY went down to the House of Representatives with the following Message from his Excellency the Governor viz^t
Gentlemen of the House of Representatives.

I find that the Establishment of Castle William is lately expired: I therefore recommend to You to continue it before You rise.

Prov. House March 7. 1765.

FRA BERNARD

In answer of the above Message of his Excellency,

Resolved that the Establishment for Castle William be the same with the Last Establishment from the Expiration thereof to the Twentieth of June next. [*Passed March 8.*]

Legislative
Records of the
Council, xxv.,
421. Mass.
Archives, ex.,
187.

House Jour-
nal, pp. 77, 78
(June, 1762);
p. 297. *Ante*,
p. 258, chap. 82.

CHAPTER 281.

Legislative
Records of the
Council, xxv.,
422. Mass.
Archives,
lxxx., 564.

House Jour-
nal, p. 78
(June, 1762);
p. 299. *Ante*,
p. 259, chap. 84.

RESOLVE CONTINUING THE ESTABLISHMENTS FOR FORT POWNALL AND FORT HALIFAX.

Resolved that the Establishments for Fort Hallifax & Fort Pownall be the same with the Last Establishments for these Forts from the Expiration thereof to the Twentyeth day of June next. [*Passed March 8.*]

CHAPTER 282.

ORDER ALLOWING £2. 14 TO COMMITTEE ON LINCOLN AND LEXINGTON AFFAIR.

Legislative
Records of the
Council, xxv.,
422.

House Jour-
nal, p. 297.
Ante, p. 470,
chap. 232.

THE COMMITTEE appointed by the House in June 1763 on the Petition of a Committee of the Town of Lincoln relative to a difference between the said Town and the Town of Lexington concerning their public Taxes, having prayed allowance for their expences in attending that Affair, the following Order passed thereon viz^t

Read and

Ordered That the Sum of Two pounds fourteen shillings be granted out of the public Treasury to the Committee for their Service in this Affair. [*Passed March 8.*]

CHAPTER 283.

RESOLVE IMPOWERING HAN^a SHILCOCK TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxv.,
423.

House Jour-
nal, p. 300.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah Shilcock of Boston, Widow Setting forth That her late Husband Robert Shilcock died about six years since, that by his last Will & Testament he gave to the Petitioner all his Estate, both real and Personal, but thro' his ignorance of the Law the said Will was witnessed by two persons only, and the Judge of Probate for the County of Suffolk allowed the same only as it respected the personal Estate.

That the principal part of her said Husbands Estate and which he intended for the Petitioner consists of a House in Boston called the Crown Coffee House, which can be of little Service to her or her Children, unless converted into money; for She being born in England, proposes to return thither with her three daughters, the eldest being about 11 years of age, and to improve the Estate for their benefit, if she may be allowed to dispose of it, notwithstanding that her said husband designd it for herself, and to give bond for that purpose. And praying that She may be allowed to dispose of the same accordingly.

[Read and]

Resolved That the prayer of the Petition be granted; and that the Petitioner be and hereby is empowered to make sale of the Real Estate withinmentioned for the most the same will fetch, and to execute a good deed or deeds therefor, She observing the directions of the Law relative to the Sale of Real Estates by Exec^{ts} and Ad-

min^{rs} and giving sufficient Security to the Judge of Probate for the County of Suffolk, that the proceeds of such Sale shall be applied for the benefit of the Children of the deceased agreeable to Law. [*Passed March 8.*]

CHAPTER 284.

RESOLVE ALLOWING £12 TO W^M BURBECK.

A PETITION of Will^m Burbeck, chief Gunner of his Majesty's Castle William Setting forth That he hath served the Government in that capacity to the utmost of his Skill and he hopes to acceptance: That the General Court hath allowed him yearly £33.6.8 for his Service, which Sum tho' ever sensible of the favour of the Government, he begs leave to represent as inadequate to the time and pains he expends in the faithful discharge of his duty. And praying for an additional Allowance.

Read and

Resolved That there be Paid out of the Publick Treasury the Sum of Twelve pounds Lawfull money to the Pet^r which with what he has rec^d By the Establishment made for the officers & soldiers at said Castle shall be In full for his Services for the Last Two years Past for which there was an Establishment made. [*Passed March 8.*]

Legislative
Records of the
Council, xxv.,
424. Mass.
Archives,
lxxx., 553.
House Jour-
nal, pp. 197, 299,
300.

CHAPTER 285.

ORDER ALLOWING £5. 10 TO D^R JACOB QUINCY.

A PETITION of Jacob Quincy of Boston, Physician Setting forth That on the 6th of Decem^r 1756, He at the appointment of Sam^l Livermore and John Foye Esq^{rs} Comis^{rs} in behalf of this Government took under his care at Green Bush about 60 sick Soldiers, and continued in that service seventeen days, for which he hath receivd no allowance. That he hath been out of the Province a great part of the time since, which with other accidents has prevented his making application to the Court before. And praying that he may be allowed for his said Service.

Read and

Ordered that the Sum of five pounds ten Shill^{gs} be granted out of the publick Treasury to the Pet^r in full for his services within mentioned. [*Passed March 8.*]

Legislative
Records of the
Council, xxv.,
424. Mass.
Archives,
lxxx., 371.
Mass.
Archives,
lxxx., 370.
House Jour-
nal, p. 301.

CHAPTER 286.

RESOLVES MAKING PROVISION FOR MONEY BORROWED BY THE PROVINCE TREASURER, PAYMENT OF WHICH IS COMING DUE.

WHEREAS the Treasurer by Virtue of several Acts of this Province has borrowed large Sums of money, for which he has given Securities payable in June, One Thousand seven Hundred and Sixty six, and the Provision made by this Court, for the Redemption of

Legislative
Records of the
Council, xxv.,
425. Mass.
Archives, clv.,
336.

House Journal, pp. 260, 261, 262, 263, 294, 295, 305, 306. Province Laws, iv., 538, chap. 50; 603, chap. 16; 623, chap. 30; 727, chap. 11.

them is a Tax ordered to go forth in June next, to be levied upon Polls and Estates: But inasmuch as such a heavy Tax will be insupportable to the Inhabitants of this Province under their present distressed Circumstances: and as it is represented to this Court, that several of the Possessors of Government Securities that will become due in June One Thousand seven Hundred and Sixty five, and One Thousand seven Hundred and Sixty six, are willing to continue them further upon Loan, at the Rate of five Pounds for every hundred Pounds: and others have expressed their Desire of supplying the Province with Money at the same Rate

Therefore,

Resolved, That the Treasurer open a Roll for such Person or Persons to subscribe; that are willing to bring in their Securities at the Time they become due, and to take new Ones that will be payable at a further Period, at the Rate of five Pounds for every hundred Pounds per Annum; also for such Person or Persons that are possessed of Money to subscribe what Sums they are willing to supply the Province with upon the said Terms; of which he shall give Notice in all the Weekly News-Papers; and the Person or Persons who on or before the first Day of June next shall subscribe to supply the Treasury with the Sums that may be wanted to redeem the Government Securities that will become due in June one Thousand seven Hundred and Sixty five, and One Thousand seven Hundred and Sixty six, and shall lend the same as soon as the Treasurer shall have Occasion therefor, shall have the Preference to all others, when the Province may have Occasion to borrow any further Sum, in Proportion to their several Subscriptions, until the present Debt of the Province shall be discharged.

Resolved further, That the Treasurer be and hereby is directed to compleat the Loan of any Sum or Sums of money which have been ordered to be borrowed by any former Acts of this Province when he shall have Occasion therefor at the Rate of five per Cent Interest annually; provided Subscribers appear to lend the same at that Rate; and that he give his Notes or Obligations accordingly. [*Passed March 8.*]

CHAPTER 287.

ORDER ALLOWING £14.16 TO MEHITA^A WORMALL AND MARY HILL.

Legislative Records of the Council, xxv., 427.

House Journal, pp. 232, 287.

A PETITION of Mehitabel¹ Wormall and Mary Hill Setting forth That their Sister Sarah Goold died in Octo^r last intestate, and that what Estate she left comes to the Petitioners: That they found among her Papers a number of Province Bills of the new tenor so-called to the Amount of 74 oz. 13^d^w 8^{gr} of Silver: And praying that they may be allowed to receive the value of the said Bills out of the Province Treasury, the time for the redemption of them being elapd notwithstanding.

Read and

Ordered That the Sum of Fourteen pounds sixteen shillings be granted out of the public Treasury to the Petitioners in consideration of the Bills above mentioned, and that the Bills so redeemed be consumed to Ashes before a Warrant issue for the said money. [*Passed March 8.*]

¹ The House Journal, p. 232, reads, "*Elizabeth.*"

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